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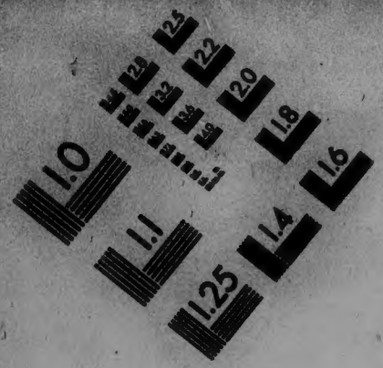

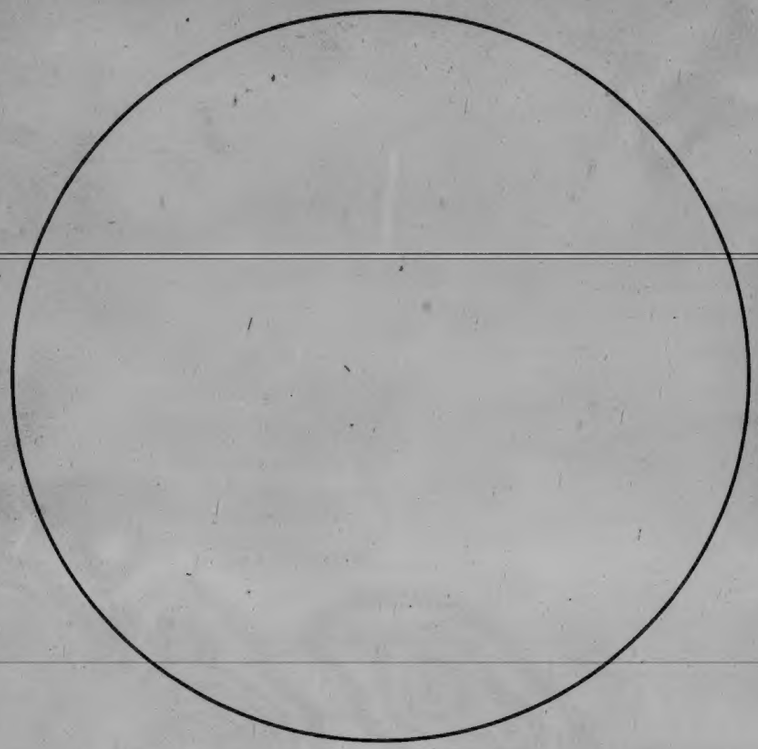

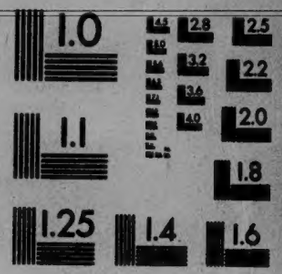

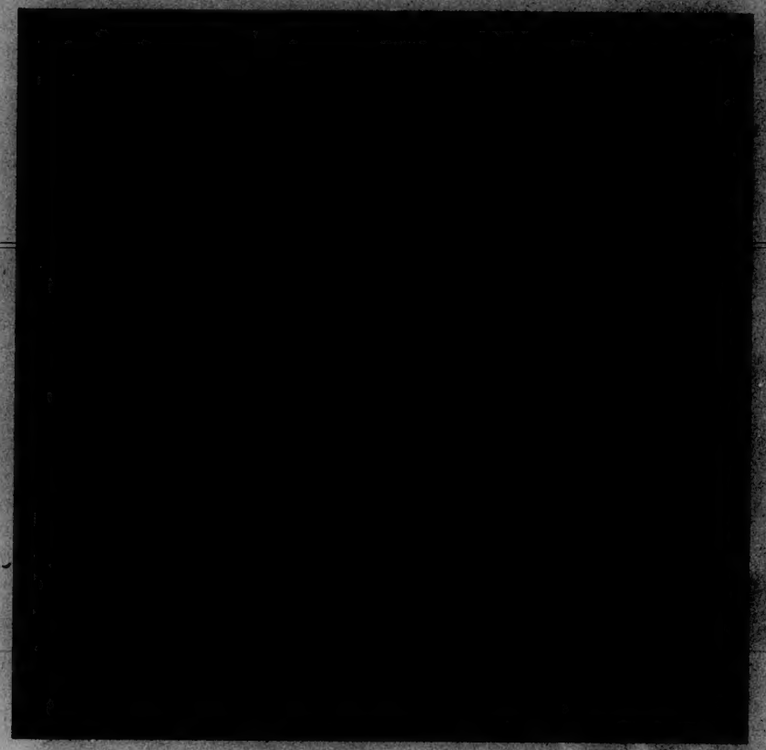

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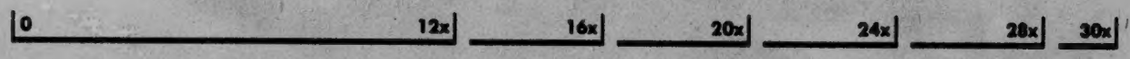

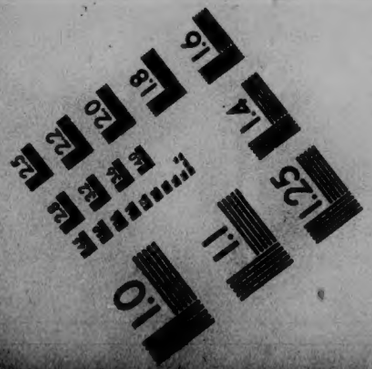

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 356

CHEROKEE FREEDMEN D856 - D903

THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher Fr D 856

Cher Fr D 856

To be filed in the case of Jane Kernel, CFD-856.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedman; he being sworn by Commissioner T.B.Needles, testified as follows:

Mellette & Smith, applicant's attorneys,
W.W.Hastings, Cherokee representative.

By Com'r Needles,
Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your post-office address? A Hayden.
Q In what district do you live? A Coweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who else do you want to have enrolled? A One boy.
Q Whatis hisname? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette-
Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the fall.
Q Where did you go to then? A We went then on Grand river.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand river did you stop at then? A Close to Pryor creek, close to Billy Loody's place.
Q Where have you continued to live since you came back in '66?
A In the Cherokee Nation.
Q All the time? A Yes sir.
Q Do you owna place on the Public Domain of the Cherokee Nation?
A Yes sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes sir.
Q Whatis its name? A George.
Q How old is he? A 26 years old.

By Hastings-
Q Who did you come to the Cherokee Nation with after the war? A With Dave French.
Q Where did you first see him? A Went to Kansas withhim and came back withhim.
Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.
Q When did you first see him in Kansas? A I went to Kansas with him
Q Where were you married, in Kansas? A No sir.
Q Whatis your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes sir.

Q Who else was with him? A His sister Jenny.
Q Jenny what? A Curnell, I think.
Q was she married then? A Yes sir I think she was.
Q Who else came? A Eveline.
Q What? A I dont know her husband.
Q What kin was she to Dave? A A sister.
Q Was she mrried then? A I dont think she was.
Q Well who else came? A The Naves.
Q How many of them, lets have all their names? A Arch, Ruben, Wash and his wife, Mariah, and Dave.
Q How many childrendid Dave French have with him at that time? A I dont know.
Q Was his wife along with him then? A I dont think he had a wife at that time, I dont know his family.
Q He came back withhis sisters the time you come? A He mde 2 or 3 trips, and the last time he came with his sisters.
Q Was that the trip you came on? A Yes sir.
If he had a family then it was down here? A I dont know.
Q He had been here before that hadn'the? A Yes sir.
Q How many tri s had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes sir.
Q Did you come through Chetopa as you came down? A It was not muchof a pla ce when we come, but we come in that direction.
Q Did you stop at any of the stores there? A No sir.
Q Did you come through Parsons? A No sir it wasn't there.
Q Did you come throughParker? A No sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek.
Q You went right on there did you? A No sir we stopped a few days on the Rider place at Loodey's.
Q Was Dave French with you there? A Yes sir but he left me there.
Q Did you go to Fort Gibson? A Yes sir, a month or two after that.
Q Where did Bill y Loody live? A On Pryor creek.
Q Was he a colored man? A Yes sir.
Q Did he have a wife? A Yes sir.
Q Did he have anychildren? A Yes sir.
Q Name them? A Frank, Ross and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes sir, I think so.
Q Youmde a statement before that Commission? A Yes sir.
Q Did you use Dave French for a witness then? A Yes sir.
Q Did you bring Frank Ross there? A I didn't have but one witness.
Q Did they take French's statement A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Thenhe didn't testify? A No sir.
Q After staying on Pryor Creek for a while you went to 14 Mile Cr Creek, how long did you stay there? A First, how long did you stay on Pryor Creek? A We came there in November and left there in December.
Q And then you went to 14 Mile Creek? A Yes sir.
Q Whose place on 14 Mile creek? A Mose Nave place.
Q How long did you stay onthe Mose Nave place? A I went to his house, that was my step father and I staid there.
Q Who were some of Mos e Nave's neighbors then? A I dont know exactly, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes sir.
Q On 14 mile creek? A Yes sir.
Q Did Mose Nave live in a house? A Yes sir.
Q What kind of a house? A Log house.

Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I th ink he rented a few acres from Arch Voland.
Q How long did you stay there? A A year ot two I think, I worked some on Grand river.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand river, when you were working there?
A Went back to 14 Mile creek.
Q Then for the first few years after the war you lived on Grand river and 14 Mile creek?A Yes sir.
Q When was the last time you were in Parsons Kansas? A I cant tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there aftet the war? A I think it was in '87.
Q You didn't work there in 67.'8 and '9? A No sir.
Q You didn't see George Musgrove up there? A No sir.
Q You know him?A Yes sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes sir.
Q What year was that? A '74.
Q Your oldeest child, George Starr, Jr., where was he born?
A On Lightning Creek.
Q Did you and your wife ever keep house in Parsons?A Yes sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No sir I went up there and passed through in '71.
Q Wasn't living there then? A No sir.
Q Not working there then? A No sir.
Q Not keeping house there then? A No sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train them days.
Q Where did you first get on the train? A At Chouteau.
Q Did you testify five years ago that you went up to Kansas in '68?
A Yes sir.
Q Did you? A Yes sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wifes folks.
Q Did you know Gal Coker? A No sir I dont know him.
Q What were your wife's folks names? A Johnson and Loodey's.
Q How far from Goody's Bluff was that? A Just a few miles.
Q Well dont you know anyone else that lived around there in '74?
A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes sir.
Q In that one house? A No sir in several houses.
Q Did you make a place of your own there? A Yes sir.
Q When did you make a place that place? A 16 years ago.
Q How far was that from Jack Landrum's? A 4 or 5 miles.

By Mellette-
Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of thischild whom you desire to have enrolled?
A Yes sir.
Q Where were you married to her?A On Lightning creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate? A Not of that marriage, I have of this last marriage.

Q How long did you live with her?A Until she died.
Q How many years was that? A Up until 1891.
Q About how many years? A Must have been10 or 11 years.

By the Commission,
Q Was she a citizen? A Yes sir.
Q Is her name on the roll of 1880? A I dont know.
Q What was hermaiden name?A Johnson.
Q Is she the mother of Arthur? A Yes sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and thename of the applic ant and his son identified th reon as follows-
Page 148 No. 3661, George Starr, Cooweescoowee district;
page 148 No. 3662, Arthur Starr, " "

Wallace roll examined and the applicants identified as follows
Page 140 No. 2940, George Starr, Cooweescoowee district.
Page 140 No. 2942, Arthur Starr, " "

DAVE FRENCH called and sworn as a witness for the applicant testified as follows-

By Mellette-
Q Whatis your jname?A Dave French.
Q What is your age?A 72.
Q Where do you live? A Down on Verdigris river, in Gooseneck Bend, this side.
Q In the Cherokee nation?A Yes sir.
Q Are you a recognized Cherokee freedman?A Yes sir.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Ever sim e he was a boy.
Q Was he a slave?A Yes sir, he was Zeek Starr's slave.
Q Was he a Cherokee Indian? A Yes sir.
Q Where was this applicant taken to during the war?A To Kansas.
Q When did he come back? A In the fall of '66.
Q How do you know? A He come withme.
Q Where did he go when he come that time? A I left him at Tom Riders on Grand river, uncle Billy Loodey lived there then.
Q Where has he been since? A On Lightning creek and 14 Mile creek.

By Hastings-
Q Where did you first see this applicant just before the war, A In Flint district.
Q How far from you? A 6 or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you come? A Yes sir.
Q Did hecome with you when you come with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have yourfamil y with you then? A No sir.
Q Did he have any family then? A No sir.
Q Single? A Yes sir.
Q Was his mother in Kansas then? A Idon't know.
Q You left him with uncle Billy Loodey? A Yes sir.
Q You didn't testify for him before the Kern Clifton Commission?
A No sir.
Q You had been down here before you brought him had you? A Yessir.
Q How many trips had you made before you brought him? A I dont know.
Q Had you mde several? A I dont know, cant tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.

Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes sir I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there until the spring on '67.
Q Did you bring her back then? A No sir I didn't bring her back, some one else brought her back to me on Grand river after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline district? A Yes sir.
Q Who wasit brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire some one to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in 67? A Yes sir.
Q You and Lucinda? A Yes sir, they brought her in '67 on Spring creek and we moved them to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes sir she was out with a hay outfit when they was cutting hay?
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who els was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Lind who? A My wife's sister.
Q Did you take her child dren with her? A Yes sir.
A How many? A I dont remember.
Q You dont remember your wife's children that were along withher?
A I dont remember I guess she had them all..
Q Do you know? A There wasn't any left I dont think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa,
Q Is that all? A Jim.
Q Any one else? A Eli, wasn't born.
Q Where was the oldest child born? A On Sallisaw, in Flint.
Q Where was th youngest one by that wife born? A In the spring on '70.
Q Where? A On Grand river.
Q The the time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.
Q What was you doing going up there, back and forth? A Hauling folks.
Q What did this manger pay you for hauling him down? A I dont know.
Q Hauled him free didn't you? A I expect I did, I dont know.
Q And your wife was in Kansas? A Yes sir.
Q From what town did you start with this fellow? A From Neosho Falls
Q How far is that from Fort Scott? A 30 or 40 miles may be, I dont know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee Freedmen and hauling them free to the Cherokee Nation were you? A Yes sir I was hauling people back home, that was my business up there.

Q How long did you stay with your wife when you took her back to Fort Scott?A I dont know.
Q You knew more about this fellow than you did about your wife?
A (No response.)
Q Who did this fellow stay with on 14 Mile creek? A With Mose Nave.
Q Were you ever there after the war and saw this man there?
A Yes sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes sir.
Q Do you know who married this man the first time? A No sir.
Q Who married him the next time?A I dont know.
Q How far do you live from him now? A I live on Goose Neck Bend and he lived on Lightning Creek.
Q How long has he beenliving on Lightning creek? A I dont know.

By Mellette:
Q When you brought this applicant George Starr, who of the Naves came with you?A My two sisters, and Mose Nave and his wife.
Q Did the Nave boys, George, Dave and Ruben come withyou? A No sir they came before that in the spring and were on 14 mile creek then.

* * * * * * * * * * * * * * * *

Continued by Stenographer, M.D.Green this 22nd of June, 1901.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed)Chas.von Weise.

Subscribed and sworn to before me this the 8th of July, 1901.

(signed)T.B.Needles,
Commissioner.

* * * * * * *

CONTINUED,- former portion of this case taken by stenog.C.vonWeise:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22,1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.
FRANK ROSS, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

BY MR. MELLETTE:
Q What is your name?A Frank Ross.
Q Where do you live? A on Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizenof the Cherokee Nation? A Yes sir.
Q Do you know the applicant, George Starr? A Yes sir, I am acquainted with him.
Q How long have you known him? A I have known him about 35 years, I guess, or 37.
Q Where did you first see him after the war?A I saw him at it's called on the Tom Rider place on Grand river.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never

saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek, and then they moved to Lightning.
Q How long ago has that been thatthey were said to have beenmarried? A It has been about, my judgment about 30 years.
BY MR. HASTINGS:
Q What was her maiden name? A Johnson.
Q You knew her before he married her? A Yes sir.
Q Where did she live? A She lived withher father and mother.
Q On Pryor's Creek? A Yes sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69L
Q She was married at that time? A No sir, they wasn't married when I moved away.
Q And you moved awayin '69? A Yes sir.
Q How long after you moved away until they married? A It wasn't very long, about a year ot so I guess.
Q When did you see them living together as man and wife after that A I saw themoften and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farm over there? A Yes sir.
Q They were living at that place were they? A Yes sir.
Q Who came with this fellow down there to Pryor Creek when you saw him? A Uncle Dave ~~Rank~~ French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was 2 more women along with him.
Q You didn't testify for this man 5 years ago? A No sir.
Q Although you knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that that was that year? A Yes sir, I know it was that fall of '66.
Q You knew that 5 years ago too? A Yes sir, I knew it 5 years ago. If you had asked me I would have told you.
Q How far was that from where youlived at that time? A I was staying there withmy father at that time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Loody sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand river until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were youliving at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand river? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that? A It wasn't quite that long, about 3 years I guess.

Applicant, GEORGE STARR, re-called, and further examined:

C30 [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 22 1901

ACTING CHAIRMAN

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

BY MR. HASTINGS:

Q Have you been married August 26th, 1901.
Subscribed and sworn to before me this date.
Q When did you marry? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1890; he is fully identified upon the Kern-Clifton and Wallace rolls; his child Arthur, 19 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their post-office adress when it is arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.

Subscribed and sworn to before me this July day, 1901.

(signed) T.B.Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this August 26th, 1901.

Commissioner.

To be filed with Jane Kernal Fr. D-886.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 22, 1901.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave Jr.
Q How old are you? A I am about 45 or 4.
Q What is your post-office address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me.
BY MR. MELLETTE:
Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection? A Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes sir.
Q What are their name? A Dave, Reuben and George.
Q How do you remember anything about coming back from Kansas after the war? A Yes sir, I remember.
Q What can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a tolerable sized boy, small boy, not very large.
Q Can you give an idea of about how old you were at that time? A I must have been 7 or 8 years old.
Q Well now what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what Nation? A Cherokee Nation.
Q Ever live any other place? A No sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes sir.
Mr. Mellette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave Jr.

Q Did you draw your money under that name? A Yes sir, there was a mistake they made in the court; my father wasn't in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.

Kern-Clifton pay roll of citizens of the Cherokee Nation page 152 found Wash Nave, Sahlequah District, 7½ years old.
Wallace roll of citizens of the Cherokee Nation examined page 182 found Wash Nave, Cooweescoowee District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found.
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q When you came back from Kansas after the war do you remember where you first stopped? A We came along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest step after we left Kansas at the old Tom Rider place.
Q Where was that? A That was near Grand river.
Q I will ask you where you went from there, do you remember that? A We went across the river and camped at the old Vann place, Bill Leady was living on the Tom Rider place at the time swe stopped there.

BY MR. HASTINGS:

Q How old did you say you are now? A 43 or 4., I don't know just exactly which.
Q You were a small boy then when you returned? A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I wasn't no great big boy.
Q About how old were you when you came back? A I was 7 or 8 years old.
Q Who come along with you? A I don't recollect just exactly who did there was one family come with us, that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Your father was named Wash, and your mother, Mariah? A Yes sir.
Q They were along were they? A Yes sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, hex is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not.Q You remember whether there was any one with Dave or not? A He was withus.
Q Did he come in your wagon or do you remember? A I don't remember whether he come in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you come from? A We came from near Neoshe Falls.
Q What time in the year was it? A It was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neoshe Falls with Dave French? A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest step we made there, we camped all along the road on Creeks.
Q Camped over nights? A Yes sir, and might have stayed a day or two at some of the camping places, but the longest step we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection? A Yes sir.
Q The Rider place is near the old crossing of Fryer Creek? Where is it from where Fryer Creek Station is now? A It is a little southeast.
Q About how far? A It is about 7 miles, 8 or 9 miles, from where Fryer Creek town is now.
Q About how long did you stay there? A I don't know just exactly, we stayed there mmm quite a little bit.

Q When you came back from Kansas after the war do you remember where you first stopped? A We came along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest stop after we left Kansas at the old Tom Rider place.
Q Where was that? A That was near Grand river.
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Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Your father was named Wash, and your mother, Mariah? A Yes sir.
Q They were along were they? A Yes sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, hex is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not.Q You remember whether there was any one with Dave or not? A He was withus.
Q Did he come in your wagon or do you remember? A I don't remember whether he come in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you come from? A We came from near Neosho Falls.
Q What time in the year was it? A It was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neosho Falls with Dave French? A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest step we made there, we camped all along the road on Creeks.
Q Camped over nights? A Yes sir, and might have stayed a day or two at some of the camping places, but the longest step we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection? A Yes sir.
Q The Rider place is near the old crossing of Fryer Creek? Where is it from where Fryer Creek Station is now? A It is a little southeast.
Q About how far? A It is about 8 miles, 8 or 9 miles, from where Fryer Creek town is now.
Q About how long did you stay there? A I don't know just exactly, we stayed there mm quite a little bit.

Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No sir.
Q Did you stay there you think as long as 3 months? A I don't know just exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgment now Wash, did you stay there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No sir we didn't stay there all summer.
Q Then you left that summer sometime, that your best judgment?
A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand river and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Drake owns it now.
Q How long did you stay there? A We stayed there several days, I don't know how long, we didn't stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about 3 miles up above the Vann place, on Grand River.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks, but I don't know just how long.
Q You lived in the house? A No sir, we just camped there; there was some old pieces of houses there, but we didn't go in there.
Q Where did you go from there? A We went up on Lynch's prairie, to a store that was up there on Lynch's Prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A No sir, that was in the summer.
Q Of what year? A '66.
Q How long did you stay up there then? A We didn't stay up there, I don't think over a night of two, or probably one night.
Q And then where did you go? A We come back over to the Tom Rider place, to Bill Leady's.
Q How long did you stay at Tom Rider place? A We stayed there quite a little bit.
Q That was in the summer? A Yes sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No sir.
Q Where did you go then from the Rider place? A We went down to Steven Tayler's.
Q On which side of the river is Steven Tayler's? A On the east side of Grand river.
Q How long did you stay there? A We stayed there, I don't know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes sir.
Q Who was living there at Steven Tayler's? A Steven Tayler and his family, and Rose Mayes.
Q Was Rose Mays colored? A Yes sir.
Q Whose place was it? A On what is known as the Arch Belex place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never traveled from Wagoner over to that place.
Q On the east side of the River was it? A Yes sir, it is on the east side of the Grand river.
Q Did you winter there that winter? A No sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.

Q Where did you go from there? A We came up to the old Vann place.
Q That's still on the east side of the river, in Saline District?
A Yes sir.
Q Did you settle down there? A Yes sir, we wintered there.
Q You wintered there in the early part of '67? A Yes sir.
Q Were there any Cherokees living there at that Vann place then?
A I didn't see any.
Q How long did you continue to live there at the Vann place? A We made two crops there.
Q You made a crop there in '67 and another one in '68? A Yes sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNS UNTIL THE HOUR OF 1 pm/

1 pm.- This case continued; applicant on the stand,- examined BY MR. HASTINGS:

Q You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war? A He went to Tahlequah several times, I don't know what he went for.
Q You didn't know whether he went to prove his rights or not?
A No sir.
Q Never heard him say about that? A No sir.

DAVE FRENCH, being sworn by Commissioner Needles, testified as follows:

BY MR. MKLLETTE:

Q What is your name? A Dave French.
Q Where do you live? A Up close to Seesemack Bend, in the Cherokee Nation, on Cedar Creek.
Q What is your age? A 72 years old, the 6th day of this month past.
Q Are you any Freedman or a citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Wash Nave? A Yes sir.
Q Did you know his father? A Yes sir, he was my brother.
Q What was his name? A Wash Nave.
Q Did you know his mother? A Yes sir.
Q What was her name? A Mariah Nave.
Q Did you know them before the war? A Yes sir, I knowed them always.
Q Who was Wash Nave's owner in the Cherokee Nation at the beginning of the war? A Woman named Mary Nave.
Q Was she a Cherokee citizen? A Yes sir.
Q Who was Mariah Nave's owner? A Jane Pack, Mary Nave's daughter.
Q Was Jane Pack a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Where did Mariah Nave and Wash Nave go during the war? A They went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Wash, was he one of them? A Yes sir.
Q How what other brothers did he have? A Dave and Reuben and George.
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes sir.
Q When? A In the spring of '66.
Q Where were the boys? A They were along.

Q All these boys that you have named? A Yes sir, all these boys.
Q Where did they come to, in the spring of '66? A They came down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I come with them.
Q You are a- old man Wash Nave was a brother of yours? A Yes sir, own brother.
Q Full brother? A Yes sir.
Q Where did they first stop did you say? A Stopped at the old Rider place, and Uncle Bill Loody was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died, what country? A They lived on Grand river, until she died, there below there.
Q Where has this applicant lived? A They are down there now.
Q This man? A Living there now, down on the river there.
Applicant? No.
Witness: Oh, he lives up here; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A In Coowescoowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation, so far as you know, since your brought him back here? A No sir, he has never been out to my knowing.
Q Do you know where they went from Bill Loody's, after you brought them here? A I went back to Kansas, and when I saw them again it was in the winter, they was on the other side of the river, at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys?
A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Cheuteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born, but she wasn't along.
BY MR. HASTINGS:
Q About what time did Wash Nave St., this man's father, die?
A I don't know what time it was, I don't know.
Q About how many years after you come back here? A Somewhere, now I didn't keep no account, he died little after the Wallace court.
Q You remember what year that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No sir, I didn't make no crop until the year '67.
Q You were in the army? A No sir, I stayed along with the army, I cooked at some officers', and stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I came from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time you wne to Kansas? A I don't believe it was, no, I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I don't recollect.
Q You can't remember about that? A No sir, I went there so often backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you make to Kansas during '66? A I don't know.

Q Let's study them up? I can't study them up.
Q You don't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No sir, I went so many times that I can't tell who I come back with first.
Q You don't remember who you came back with first? A No sir.
Q You don't know what time of the year you came back first after the war? A I came back several times.
Q Now after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken it was with Wash, I went be certain.
Q You think then this was your first trip back here? A Yes sir, I think my first trip back after I went up was with him.
Q Where was your wife at that time, was she along with you? A She was along with me when I went up, I hauled her back up there.
Q You testified in the case awhile ago that you hauled her up there in August '66 didn't you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? Yes sir.
Q Now what time did you bring Wash down here? A I aint certain.
Q Didn't you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time that you came back with Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your counsin's name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She has a child or two.
Q Were they along? A Yes sir.
Q Was there just one wagon in that crowd, or was there more than one? A I don't recollect, it has been so long I couldn't tell you.
Q You don't remember then whether Wash had a wagon of his own or not? A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the Falls.
Q That was your first trip from Kansas back here after the war? A I think it was.
Q Now the Nave family, and yourself, and the Bearden woman and what children she may have had, was all that was along in that crowd? A I don't recollect, there were a good many, I don't think that was all, it was a pretty good crowd. We couldn't come in little squads, we come in pretty good crowds, we was afraid of being killed.
Q You came to the old Rider place? A Yes sir.
Q How far is that from where Cheuteem now is? A I don't know exactly, it is a little north-east of Cheuteem.
Q Were there any Cherokees living at the Rider place at that time?
A Nobody there but Uncle Billy Leedy's family; there wasn't no Cherokees hardly in there at that time; they come in the spring of '67 and along in there.
Q You didn't stay there any length of time until you went back?
A I went back.
Q Next time you saw Wash Nave and his family was on the east side of the river at the Vann place? A Yes sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Vann place? A That winter.

Q Was it two or three months? A I don't know exactly.
Q You knew it was as early as Christmas? A I guess it was.
Q It wasn't later than Christmas? A It might have been later than Christmas.
Q Then they lived there for some two or three years at that place?
A No, I think we made 2 crops there.
Q Did you live with them over there? A Yes sir.
Q Did you help them make a crop there in '67? A Yes sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows:

BY MR. MCALISTER:
Q What is your name? A Frank Ross.
Q Where do you live? A Lightning Creek.
Q What is your age? A 53.
Q Are you a recognized Freedman citizen in the Nation? A Yes sir.
Q You know the applicant here, Wash Nave Jr? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q Did you know his mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir, I got acquainted with them after the war.
Q Where did you first see Wash Nave and Mariah Nave after the war?
A On the old Tom Rider place, across Grand river.
Q When was that? A In the spring of '66.
Q Well now do you know what children they had at that time? A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes sir.
Q What was the other boys? A Dave and Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand river somewhere, I don't know where they went to.
Q Did you know the old man and woman and the boys from that time on? A Yes sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.

BY MR. HASTINGS:
Q You saw 4 boys, uncle, along with Wash Nave at that time? A Yes sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they came? A I hadn't been there very long; they came there in April and I came there in March.
Q You had been there about a month then? A Yes sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they came with him.
Q Did Dave have his family along at that time? A I don't think he did, I didn't see them.
Q How long did Dave stay there? A He didn't stay very long.
Q Where did he go from there? A Went down on the river somewhere.
Q How long did these people stay there? A About a month I guess.
Q And then where did they go? A They went down below across the river somewhere.
Q You never saw them over across the river? A No sir.
Q How long after that until you saw them? A They came back in the fall and stayed awhile, visiting along about the first of September I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Dryer's Creek; used to have meeting up there and they would come up there; my father used to have camp-meeting up there.
Q What other families were along with them when they came back?

A I don't recollect seeing any other families.
Q You don't remember seeing Dave French's family at that time? A No I don't remember seeing them.
Q You think that was in the early Spring? A That was in April I am sure it was, because I was working to put in corn after.
Q You wasn't a witness in this case before the Kern-Clifton Commission? A No sir.
Q You knew these facts then? A Yes sir.
Q Did they have a wagon of their own when they came to your place?
A Yes, sir, they had a wagon and stayed there in the wagon and went of in the wagon.
Q They had two wagons then, Dave had one and they had one? A Yes sir.
Q You know whether they made a crop that spring? A No sir.
Q You don't know what work, if any, they did that spring or that summer? A No sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Where do you live? A Lenapah.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q Do you know the applicant here, Wash Vann Jr.? A Wash Vann?
Q Wash Wave? A Yes sir.
Q Did you know his father Wash Wave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q What brothers has he? A Dave and George.
Q You knew another one? A Well there's another one.
Q You knew his name? A I know it, but I have forget his name, he don't be around much.
Q Did you know old man Wash Wave and Mariah before the war? A No sir, I didn't.
Q Where did you first see them after the war? A On Grand river.
Q What place? A On the Vann place.
Q Which side of Grand river? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there, how did they come there? A They come in Wagons and was camped there.
Q Besides the old man Wash and Mariah his wife, who were with them?
A I didn't see no one but them and the children, 4 boys.
Q Was this boy one of them? A Yes sir, this is one of them.
Q Have you known them from that time on? A Yes sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand river somewhere, I never was at their place, but I would see them often at church, every summer, about once a month until I moved from there.
Q How long had you been back at that time when you saw them there?
A I came that spring.
Q You came the same spring? A Yes sir.
BY MR. HASTINGS:
Q How far did you live from where they were camped? A I lived on the same place, at the house, and they was camped out on the outside on the hill there not very far from the house, about a quarter of maybe not so far.
Q How long did you continue to live there? A Oh I stayed there until the crops was laid by, I went there in the spring, I cooked for Sam Downing's hands.

Q Until the crops was laid by? A Yes sir.
Q And you left that fall? A I left that summer, in August.
Q About what time of the year do you think they came before you left? A They was plowing corn, it must have been along about May or June.
Q They were there when you left there? A No, they wasn't, they went away, they didn't stay there but a little while.
Q You remember the man and his wife and four boys? A Yes sir.
Q What was the youngest boy's name? A George.
Q About how old was he at that time? A He couldn't have been over 4 or 5 ~~ex~~ maybe 6 years old, I don't know, he was very small.
Q That was your judgment, at that time? A Yes sir.
Q You remember distinctly all four of them were along when you saw them? A Yes sir.
Q Where was Webb Vann at that time? A I don't know, he wasn't there.
Q Sam Mayes in that in that country over there? A Not in the spring, he was not, he was there after that.
Q You don't r emember seeing them after that for sometime? A Not until next summer I believe it was I saw them to church.
Q You don't know where they moved to? A No sir.
Q Who did you come back there with? A Jesse Vann, my brother-in-law.
Q You never witnessed for them before the Kern-Clifton Commission? A No sir, I didn't, because you had me subpoenaed on the oter side.
Q Did I tell you to testify to anything that wasn't true? A No, you didn't, but they didn't come to me to testify anything for them, and I didn't testify for them.

WILLIAM FOREMAN, being s worn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Cooweescoowee District.
Q Are you a recognized citizen of the Cherokee Nation, by blood? A Yes sir.
Q Do you know this applicant, Wash Nave Jr. A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir.
Q I will ask you where you first saw Mariah Nave and Wash Nave after the war? A First place I saw Wash Nave was in Ft. Scott Kansas, in '64, he was in the Militia there; I don't remember seeing his wife until they come to the Nation.
Q When did you first see them in the Nation after the war? A It was some time in July '66, I don't remember, just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand river was that? A East side.
Q How did you happen to see them there? They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '80.
Q You have known him since '80? A Yes sir, I taken the census in

Saline District in 1880 and I enrolled Wash Wave and his family, they were living near the bend, in near Markham's Lick.
Q You were one of the Census takers for 1880? A Yes sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you say that year it was you saw them at your store there after the war? A In '66.
BY MR. HASTINGS:
Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled? A They were enrolled, but I am not positive as to whether I put them on the 1880 roll or the doubtful roll, but my recollection is I put them on the '80 roll.
Q You were around before the Kern-Clifton Court 5 years ago? A Yes sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? A Not that I know of, I don't remember it.
Q You know they were disputed at that time? A I don't recollect that either, there were so many cases.
Q You didn't at that time witness for them? A No sir.
Q You didn't make known at that time what you knew about it? A No sir, there was no one asked me about it that I remember of.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Q Of '66? A Yes sir.
And I moved away from there in September.
Q It was before the first of August they were in your house? A Yes sir, reason I know it was July sometime because I sold out the first of August and they come there and camped while I was keeping the store.
Q They didn't stay there but the one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '80, I saw Wash at one of his brothers, he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brother's.
Q You mean the old man Wash? A Yes sir.
Q Was he there in 1880? A Yes sir that was the summer I think of the year '69, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case 5 years ago? A Yes sir.
Q There was 5 leading families in that case? A Yes sir.
Q I believe you testified they paid you 25 dollars in each of these, or 125 dollars in the Robinson case? A Yes sir.
Q I believe you testified that you charged others also for being a witness for them? A Yes sir.
Q Running from 20 to 25 dollars apiece? A Yes sir.
BY MR. MILLSTYN:
Q Mr. Foreman, was money that the Representative of the Cherokee Nation asks you in regard to, was that paid to induce you to swear a lie? A No sir, it wasn't.
Q Why was that paid to you? A To bear my expenses of coming to the courts.
Q You had to leave home to attend to these places? A Yes sir.
BY MR. HASTINGS:
Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes sir.
Q And you only testified the one day in that case? A I think only one day, I couldn't say now, I don't remember positive.
Q Where did you live at that time, during 1880? A I lived down on the west side of Grand river.

Q How far from Vinita? A 6 miles east of Wagoner.

Applicant, WASH NAVE, JR., re-called, and further examined;

BY COM'R NEEDLES:
Q When did your father, Wash, die? A He died in February, 1891, about the 18th or 19th I believe.
Q And your mother, Mariah? A She is dead.
Q When did she die? A She died 2 years ago this last February.
Q Their names are not on the roll of 1880 were they? A I think not, I don't know.
BY MR. HASTINGS:
Q Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave Jr. applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls according to page and number of the testimony; he avers that he was a son of Wash Nave and Mariah Nave, who were ~~xxxx~~ slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green
Subscribed and sworn to before me this July 1st, 1901.
(Signed) T. B. Needles
Commissioner.

S U P P L E M E N T A L T E S T I M O N Y .

F.-D.#815.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 1st, 1901.

In the matter of the enrollment of Wash Nave, Jr., as a Cherokee Freedman; the following Supplemental Testimony is introduced on the part of applicant;

APPEARANCES:
L. T. Brown, for Applicant,
J. S. Davenport, for Cher. Nation.

L. D. DANIELS, being sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. BROWN:

Q State your name. A L. D. Daniels.
Q Your age? A 56.
Q Your post office? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Does your name appear upon the authenticated roll of 1880?
A Yes sir.

Q Do you know Wash Nave, Jr. A Yes, sir.
Q Did you know his mother and father? A I am very well acquainted with the old man Wa Nave.
Q That was Wash Nave, Jr.'s father was it? A Yes, sir.
Q What was Wash Nave, Jr.'s, mother's name? A I can't think of her name, I have been to her house 40 times I reckon.
Q When did you see Wash Nave, the father of the applicant, the first time after the war? A At Fort Gibson, sir.
Q In what year was that? A That was in December, '66.
Q Do you know a son of Wash Nave by the name of George F.?
A Yes sir.
Q Did you see him at that time? A When I first seen the old man I didn't see him, and in three days afterwards I seen him, because he come to Gibson there and before he could get some thing to eat he had to bring his family.
Q That was in December, '66? A Yes, sir, in December '66.
Q About how old was George F. Nave at that time?
A He was about two years old; I don't think he was any older; he was the smallest boy.

BY COM'R Needles:

Q How do you re collect it was just three days? A Because he come back and went to get his family, we were issuing rations to them and they was hungry and of course he come back.
Q You say you saw him one day and you said he come back in three days? A The day I saw him, it was a new family and we had to keep a record of them and I could not give them rations until he showed up.
Q It may have been four or five days? A No, sir, it wasn't but three days, he didn't have to go but about nine miles.

BY MR. DAVENPORT:

Q George was about three years old then? A No, sir, about two years old.
Q You remember distinctly it was in December, '66? A Yes, sir.
Q Was it before or after Christmas? A It was before Christmas.
Q Was he getting his rations for holidays? A No, sir, he got them to eat; wasn't anything in the count ry to eat.
Q Where had they come from? A Fourteen Mile Creek.
Q How do you know that? A I lent that man Stevens a pony to carry his grub up there.
Q That is the reason you know that Nave come from Fourteen Mile Creek because Stevens never brought your pony back?
A I was acquainted with Fourteen Mile Creek.
Q Did you ever see Nave during the war? A No sir.
Q You never seen him until he come to Gibson?
A Yes, sir, and when he returned to get his folks and come back and old man Stevens come with him and didn't bring my horse back in time and I went after him.
Q You remember distinctly the incident of Stevens' coming with him?
A Yes, sir; I didn't have any way to keep it in my head and I and I remember it.

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J. O. Rennen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rennen

Subscribed and sworn to before me this 18th day of July, 1901.

(Signed) T. B. Needles
Commissioner.

File with Cherokee Freedman D-815, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 21, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant:
J. S. Davenport, of counsel for Cherokee Nation.

D. W. VANN, being duly sworn by Commission Needles, testified as follows:

Mr. Davenport: What is your name? A D. W. Vann.
Q Where do you live, Mr. Vann? A I live near Fryer Creek in the Cherokee Nation.
Q How old are you? A I am 56 years old.
Q How long have you lived in the Cherokee Nation? A Well, pretty much all my life.
Q Did you go out during the war? A Yes, I went out.
Q When did you come back? A I returned in '65, the fall of '65.
Q Do you know a colored man by the name of Wash Nave, before the war? A No, sir, I didn't know him before the war.
Q Did you know him after the war? A Yes, sir.
Q When did you first become acquainted with him? A I got acquainted with him in the spring of '68, that is, I think it was in February or March, in '68.
Q Where was you living at the time? A I was living at Martha Vann's on Grand River.
Q That a relative of yours? A Yes, sir, she is a first cousin of mine.
Q Well, where was Wash Nave living when you get acquainted with him? A He was living there.
Q Do you know whether or not he had any children? A Yes, sir, he had several children.
Q Do you remember the names of any of them? A Well there was two, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.
Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.
Q Well, how do you know he just moved from Kansas? A Well he told me so, and he was loaded up, and he told me that he was right from Kansas, and he had some hogs with him, and I traded for a couple of hogs, hogs was scarce in that country.
Q Well, that was the first time that you had seen him since the war and first time you had ever seen him? A Yes, sir.
Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Cherokee Nation, I was working.
Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is, the latter part of the summer of '67.
Q Who did the family belong to before the war, if you remember? A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.
Q That was afterwards Moss? A Old Aunt Mary Nave, my father's sister.

Q How as I understand you, he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes sir.
Mr. Smith: How many wagons did he have? A I don' exactly remember now, there was several in the family, but I don't remember the number of the wagons.
Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.
Q On whose place? A Aunt Martha Vann's place.
Q Well, can't you remember who was with him now? A No, I remember the old folks, and the family, the children.
Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.
Q You remember how many children he had? A No, not exactly, they had four or five, maybe more or less, I can't tell exactly.
Q You don't know then? A No, not exactly the number of children.
Q Do you know what the names of any of the children was? A Well the two oldest I think was named Reuben and Dave, and then he had a little fellow named George, I think, and Wash, if I am not mistaken, Reuben and Dave, they both worked in the same field that I did and made a crop on the same farm that I made a crop that year.
Q Well how big was George at that time? A Well he was a little fellow, he wasn't large enough hardly to make a hand in the field, not a plow hand.
Q Wasn't over five or six years old? A Yes, sir, I suppose he was.
Q About five or six? A Well I can't say exactly how old he was.
Q Well he wasn't big enough to make a hand? A Well I don't remember him plowing.
Q You think you would have remembered it if he had plowed? A Why yes I guess I would.
Q Well now was that all there was to it, just the man and the woman and these children that you have mentioned? A Well them is all I remember, there might have been more, but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came withthem.
Q Can you remember the number of wagons they had? A No, sir, I can't state.
Q Well, who was it that told you that they had just come from Kansas? A Well sir, I think it was the old man.
Q Well don't you know? A Why I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.
Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk with and had the trade with.
Q But you can't state, it has been so long ago, you can't state from your independent recollection at this time whether the old man told you that or not? A Yes, I will say pretty certain that he did.
Q You are pretty certain of it, but you are not positive? A Well I can say positive I believe.
Q You believe you can? A Yes, sir.
Q Well, where was it that he told you that? A He told me that on the place.
Q That was now what time in '68? A That was in the spring of '68.
Q That was three years after the war, about three years after the war closed? A Yes.
Q Whether this man now made more than one trip from Kansas after the war, you don't know? A No, I don't know.
Q You don't know when he first came to the Territory after the war?
A Not only what he told me there at that place.
Q You don't know all the places he lived in the Cherokee Nation after the war? A Well he settled a place right below there in that neighborhood.

Q You know these boys, Wash and Rube and George? A Yes, sir.
Q They been living here in the Cherokee Nation ever since you first knew them, haven't they? A Yes, sir.
Q Did you ever testify before any other court than this Court in this case? A Yes, sir.
Q Where was that? A It was before the Kern Court I think.
Q Do you remember what you stated before that Court? A Well it was something about as near this as I can possibly remember.
Q Do you remember whether before that Court you stated that it was the old man that told you this or the old woman that told you, or did you say before that Court that anybody told you they came here? A Well I think I did, I think that I told before the Court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a cow and a calf.
Q The pig trade didn't have anything to do with where they came from? A No, it was something that impressed me.
Q I say that didn't have anything to do with where they came from? A No, sir.
Q Do you know a man named George Vann? A Yes/
Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.
Q Have you seen him since you have been up here? A Well not to know him, I might have seen him and forgotten him, but I used to know him, they called him Sleepy George, is it?
Q The one that lives up here in this district, Cooweescoowee district? A Well I know two George Vanns, they call one George Vann sometimes and then they call him George Bruner.
Q Is that the one you know? A Yes, sir, and there is another one they call Sleepy George, and I used to know him.
Q Where does he live now? A I don't know where he lives; this George Vann is a fiddler, I guess I know him.
Q Is he the one they call Spring Creek George? A Yes, sir, he is a fiddler.
Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there, just after the war.
Q Was he around Vann's a good deal? people there? A Yes he was around Rowes and Williams, they were some of his connections.
Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.
Q I understood you to say it was in '66? A I don't say positive it was in '66, but it was somewhere along after the war a short while
Q Short while after the war? A Yes, sir.
Q Did you know J. M. Ross, a Cherokee? A Yes, sir, Joe Ross.
Q I don't know whether it is Joe Ross or not. A Yes, that is the man.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A I can't state, he has been dead several years.
Q Died since '96 did he? A Well I can't say positive when he died, I never kept no count.
Q Where was J. M. Ross in February of '67? A I can't say.
Q Where was he during the year of '67, if you know? A I can't say positive where he was.
Q Do you know where he was in the year '66? A No, sir.
Q When did you first see him after the war? A I can't say when positive, when I saw him.
Q Did he live down there about that country where you were? A Yes, sir; I think it was in '68 that Joe Ross was there, I think maybe that was the first time I saw him.
Q You don't recollect on that point, do you? A No, not positive but I think it was '68 that I seen him.
Q What kin was he to H. C. Ross, Judge Henry Ross? A I think they were cousins.

Q Are you acquainted with the hand-writing of J. M. Ross? A No, sir.
Q You know the handwriting of Henry Ross? A No, sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation? A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on - -
Q I mean before you went out, that fall? A Well I just came there that fall, came through, I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, or '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was the early part of the winter of '65.
Q How long did you stay here that time? A I stayed here pretty much all the time.
Q How long did you stay before you went away again? A I stayed a month, or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes, sir.
Q At what time did you come back to the Cherokee Nation next? A I came back the latter part of the summer of '67.
Q You left in the spring of '66 and came back in the summer of '67?
A Yes, sir.
Q How long did you stay when you came back in the summer of '67?
A I have been there ever since.
Q Never been ~~there~~ away any more? A Oh I have been to Kansas City and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No, sir.

Taking of testimony continued by Stenographer J. O. Rosson.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

(Signed) T. B. Needles
Commissioner.

October 21st, 1901.

WASH WAVE, JR., taking of testimony continued. Former portion taken by Stenographer Bruce C. Jones.

S. H. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A S. H. Mayes.
Q Where do you live? Mr. Mayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you lived in the Cherokee Nation? A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes, sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man by the name of Wash Wave? A Yes, sir.
Q To whom did he belong at the breaking out of the war? A He belonged to Alock Vann.
Q Do you know whether or not he went out during the war?
A Yes, that is my understanding; yes, sir, he left the country during the war.
Q When you you moved back to the Cherokee Nation you say in 1867 what part of 1867 did you move back? A I think it was latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Cheuteau.
Q Near what place; had there been any place there before the war?
A Old place that belonged to Thompse Wave.
Q Did you ever see Wash Wave after the war? A I saw Wash Wave I think it was in '68.
Q Where was he then? A He was at my mother's-in-law, Mrs. Vann's.
Q Did he have his family with him? A Yes, sir, he had a family with him.
Q Did you know any of the family's name? A Yes, sir, I knew them the old man and all the family.
Q What were their name? A Reuben and Dave and George, I didn't know him so well he was a small boy, I knew Reuben and Dave.
Q Well, did you have any conversation with old man Wash Wave as to where he had been and when he came back? A Yes, he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Was he in that country there when you came back from Texas?
A No, sir.

Mr. Smith: Applicant moves to strike out the testimony of the witness with reference to what Wash Wave said for the reason that Wash Wave is not a party to this suit, and the testimony is incompetent.

Com'r Needles: The objection will be noted and testimony heard.

MR. SMITH: Now, Mr. Mayes, about what time of the year was it you saw Wash Wave? A It was in the latter part of the winter, I think it was in February or March.
Q Of '68? A Yes, sir.
Q You don't know how long he had been living there at the place?
A Why, he had only recently come in there.
Q He was living there, settled down when you saw him? A Moving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was camped there and had just moved in the camp that I first saw him.

Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes, sir, I was in here though in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Ross, Joe Ross? A Yes, I knew Joe Ross, I knew J. M. Ross of Saline.
Q He is dead now? A Yes, sir.
Q Are you familiar with his handwriting? A I can't say that I am; I have seen it, but I can't say that I can testify to it.
Q Did you ever see him write? A Yes, sir.
Q Can you tell by looking at this signature whether it is his or not (shewing witness paper)? A I don't know.
Q Did you know H. C. Ross? A Yes, sir.
Q Is that his signature? A I don't know; H. C. Ross is living though.
Q Where was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand River?
Q That was on Grand river where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission?
A Yes, sir.
Q Did you state before that Commission that the first time you saw here was in '69? A No, sir, if I did- I knew I didn't because that was not the first time I ever saw him; I knew Wash Nave before I lived right by him in Flint district.
Q Did you know George W. Vann a colored man? A Why I know two George Vanns.
Q How do you distinguish them? A Well we distinguish George here, we used to call him George Springereek, Springereek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places;
Q Did you see him a short time after the war? A No, I don't remember just where I do remember I know he used to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Springereek George, lived up east of where I lived when I knew him on the Rowe's prairie on Springereek called him Springereek George. I never was acquainted with George until in about '73.
Q Did you know where Joe Ross was in '67? A No, sir, I suppose he was in the Cherokee Nation.
MR. DAVENPORT: He has lived in Saline district hasn't he ever since the war? A Yes; I think the first time I saw Joe Ross was in '71.

ED ADAIR, being duly sworn by Commissioner Needles, testified as follows:
MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A In Saline district.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 48.
Q Did you know Wash Nave after the war? A Yes, sir.
Q Did you go out of the Nation during the war? A Yes, sir.
Q Did you see Wash Nave and his family after the war? A Yes, sir.
Q Did you know S. H. Mayes, the Chief Mayes, at the close of the war?

A Yes, sir.
Q Did you see him shortly after the war? A Yes, sir.
Q Now, when did you see Wash Wave's family with reference to the time he came there, which came first, do you know? A Let's see; my recollection, you see it has been a good while off and I was young.
Q Well, where did Wash Wave locate with his family after he came back, Ned? A He located on the old Dave Vann place on Grand river.
Q Did you know any of the names of his children? A Yes, sir.
Q What were their names? A Daven, Reuben, Wash and George.
MR. SMITH: Mr. Adair, did you go out of the Nation during the war or did you remain here? A No, sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint district, near Evansville, Arkansas.
Q What time did you move on Grand river? A Well, some time during the war, during the Civil War.
Q Well, when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile creek in '65 and after I left that place I came up here on Grandriver in '66.
Q What time in the year '66? A It was as near as I remember in the fall.
Q Where did you locate what point did you move to, live? A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile creek?
A Why I only remained there about a year.
Q What time did you go there? A It was sometime it was in about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adair, were you brought up near bout Evansville, were you raised there? A Yes, sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand river? A Yes, sir, I lived a little while close to Tahlequah during the war.
Q When was that? A During the war, and then after I left there I went to Fourteen Mile creek, and lived there a year.
Q Did you ever go back to Evansville? A No, sir.
Q First came to Tahlequah? A Yes, sir.
Q And then to Fourteen Mile Creek? A Yes, sir.
Q And then up on Grand river? A Yes, sir.
Q Have you known Wash Wave before the war? A Yes, sir.
Q Had? A Yes, sir.
Q Well, now, how long after you moved down here before you saw Wash?
A Well, as near as I could recollection about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you remember? A Yes, sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand river.
Q He was on the Dave Vann place in '67, in the spring? A Yes, sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No, sir.
Q What was he doing living there then? A Just come in, him and several others.
Q He was living there when you saw him? A He came there when I was living there.
MR. DAVENPORT: Did you have any conversation with him as to where they came from? A No, sir, I don't recollect whether I did or not.
Q You were living there at the Vann place? A Yes, sir.
Q And they came there according to your best recollection after Chief S.H.Hayes and his family moved back from Texas? A Yes, sir.

MR. SMITH: Mr. Adair, you are certain about that, which came first Mayes or this man? A Not positive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice didn't he? A I don't know.
Q Mayes came in '66 and he came again after that? A I don't know about that.
Q But you can't by certain now as to which of the two got there first? A It seems to me like Mayes got there first.
Q But you are not positive? A No, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Born and raised here? A Yes, sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the house or camp out? A They moved in the house, I think there was some houses there.

Com'r Needles: This testimony will be made part of the record in the original case, Freedman D. #815, and also part of the record in D.#821, 822 and 823.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this November 11th, 1901.

(Signed) T. B. Needles
Commissioner.

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File with Cherokee Freedman D-815, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 24, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Henry C. Ross.
Q Where do you live, Judge Ross? A Locust Grove, Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Where were you living, Judge Ross, in June, 1896?
A Living right where I am now.
Q Did you hold any official position at that time? A I did.
Q What? A District judge.
Q District judge of the Cherokee Nation? A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you and tell me what it is (hands witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.

Q J. M. Ross was commonly known as what? A District Clerk of Saline district.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir, he was district clerk of Saline district at that time.
Q In June, 1896? A Yes.
Q Well, is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that written by him? A That is Joe Ross' handwriting.
Q Did he swear to it before you? A Yes, sir.

Mr. Bell: This is only an affidavit that he proposed to put in here as testimony, and I believe the rule adopted by the Commission is that the witness must be brought in. These affidavits have been refused time and time again.

Mr. Smith: The objection is on the ground that the rule of the Commission is that the witness must be brought here. The testimony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissable in evidence at this time beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered today will be made part of the record in cases D-821, D-822, and D-823, and reference is made to the same.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his tenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

(Signed) T. B. Needles,
Commissioner.

F. D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-815.

APPEARANCES:
Kellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, as follows, No. 20:

"Washington Nave.
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No. 120, as follows:

"Wash Nave
vs
the Cherokee Nation. (Before the Commission on Citizenship July (13, 1878, (Colored) Claiming citizenship.

Claimant presents his claim under the fifth specification of a law creating this Commission.

Claimant was a servant of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,
Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witness were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Respectfully, Wash Nave," and certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of the fact that there is nothing accompanying said offer to show that said matter offered is in any sense a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings. I am one of the representatives of the Cherokee nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given by me by the official in charge of these records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers Court, which was recorded in there among their records, that was the record of that court that sat between 1874 and 1878, inclusive, and that was the application to them, and that was his statement at that time and embodied in his claim to be enrolled as a citizen.

Q Well now you don't think that the last clause of this offer last made is the form in which Wash Nave made an application to this or any other court do you? A I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.

Q Where is that original application? A I don't know.
Q Who is the custodian of this book? A Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. B. Cunningham, and B. W. Alberty, they I suppose are the official custodians of these records, and they, at the request of the chief, gave these records to we attorneys, representing the Nation.
Q And you don't know anything at all about the records; you don't know who made this entry; you don't know from what data it was made of your own personal knowledge? A Why certainly not; I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention by true whenever a clerk of the court would die his records might as well be pitched into the middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record-

MR. SMITH: The applicant furthermore objects to the offer of above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following cases: Dave Nave, D-821, Reuben Nave, D-822, George F. Nave, D-823, and in the case of Wash Nave, Jr., D-815, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicant especially objects to the testimony being placed in the last mentioned cases for the reason that the notices relate to Wash Nave alone.

MR. HASTINGS: The Cherokee Nation contends that this is relevant because Wash Nave was the father of this Wash Nave, Jr., and of all of these children, and is the man who made the application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced is signed by Wash Nave, and the judgment that was introduced is against Washington Nave, and the testimony in this case shows that Washington Nave was the father of all of these applicants.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Groninger.

Subscribed and sworn to before me this 28th day of May, 1902.

Seal

(Signed) P. G. Reuter,
Notary Public.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that the same is a true and correct copy of the original testimony.

H M Vance

Subscribed and sworn to before me this 25th day of July, 1902.

Bruce Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25,1901.

In the matter of the application of Jane Kernel for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Jane Kernel.
Q How old are you? A 67.
Q What is your post-office? A Chouteau.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself.

BY MR. SMITH:

Q How old are you Jane? A 67.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Mary Nave.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A Yes sir.
Q What time did you return? A In the year of '66.
Q Where did you come to, what partof the Cherokee Nation?
A Come down on Grand river.
Q Was Mary Nave a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Where were you living at the time the war commenced? A In Flint district.
Q Cherokee Nation? A Yes sir.
Q Did you belong at that time to this ~~man~~ Mary Nave? A Yes sir.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation? A Wallace roll.
Q You never drew what is known as the Kern-Clifton money? A No sir.
Q Your name is ~~on~~ not on the roll of 1880? A No sir.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 106 #2260 Jane Colonel, Salin District;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

BY MR. HASTINGS:

Q Where did your owner live before the war? A In Flint.
Q What was her name? A Mary Nave.
Q She have any children? A Yes sir.
Q What are their names? A There was one named Jane and the other one William and Susie.
Q Who were their neighbors who lived about them? A Mr. French and Mr. Harlin and Mr. Pack and Ned Adair.
Q What Ned Adair do you have reference to? A The one in Saline.
Q You know him before the war? A Yes sir. I knew him ever since he was a baby.
Q You saw him immediately after the war? A Yes sir, not long after.
Q How long after you came backhere until you saw that Ned Adair?
A I don't know, not a great while.
Q Where did you first come to down here? A On Fryer's Creek.
Q How long did you remain there? A I don't know sir.
Q Did you stay there as much as two or three weeks? A Yes sir, I think we did.
Q Then where did you go? A On 14 mile Creek awhile.

Jane Kernel 2

Q Who did you go with down there? A With my brother and sister, brother Dave and sister Eveline.
Q Eveline what? A Kirk.
Q Did you come back from Kansas with Dave French? A Yes sir.
Q Who else was along? A I don't know sir, I can't remember all of them.
Q Can you name anybody else? A George Starr was one.
Q Where did he go to? A I don't know exactly, but we all came down together, and was there awhile.
Q Where awhile? A Down on Grand river, I don't know whereabouts he went.
Q Did you have a husband at that time? A Yes sir.
Q What was your husband's name? A Ned Kernel.
Q Did you have any children at that time? A No sir, I never has had any.
Q Was Dave French's wife along with you when you came back?
A No sir, it has been so long I can't remember.
Q Was his children along with him? A I can't remember nothing about that, it has been so long, short remembrance anyhow.
Q ~~Where did you and your husband go to when~~ you came back after you went to Pryor Creek? A My husband went on to the Creek Nation and I stopped in there with my people.
Q Where did you marry your husband? A At Ft. Gibson.
Q Before or after the war? A Time the war was goingon.
Q He was a citizen of the Creek Nation? A Yes sir, I guess so.
Q Did you and him live together after the war in the Cherokee Nation? A Yes sir, we stayed there awhile, and then went to the Creek Nation.
Q Where? A On Grand river.
Q What part of Grand river did you live together? A He stayed there awhile at Martha Vann's place.
Q How long did you stay there? A I don't remember how long we stayed there.
Q Did you stay there a week? A Oh yes sir.
Q Month? A I don't know whether it was a month of not.
Q Then you went there to the Creek Nation? A Yes sir.
Q Then you lived there ever since? A No sir, I lived there until he taken sick and died.
Q When did he die? A Been dead about 20 years.
Q Then you lived there up until he died about 20 years ago? A Yes sir.
Q You never kept home in the Cherokee Nation after the war up to the time your husband died? A Oh yes sir, I stayed with my people.
Q Who were your people? A My mother's name was Charlotte Nave.
Q Where was your husband when you were staying with your mother?
Q He was there in the Creek nation.
Q You had a home over there? A He had a place over there.
Q You kept house over there with him? A Yes sir, after we come back.
Q Had a farm over there? A Yes sir.
Q When did you first see that Saline Ned Adair after you came back?
A I don't know, it was shortly afterwards.
Q You testified before that you stayed on Pryor Creek two or three weeks and went over to Saline and when you got there you saw Ned Adair? A Yes sir, we saw him.
Q How far was he living from the Martha Vann place when you saw him? A Not a great ways from where he is living now.
Q How far from the Martha Vann place? A I don't know exactly, so more than two or three hundred yards.
Q You had known him before the war? A Yes sir.
Q After your husband died how long was it until you came back over here? A I didn't stay there but a few months, after he died.

in the Creek nation.
Q Where did you live then when you first came back here? A Right where I am living now.
Q Where is that? A In Saline.
Q You didn't introduce any witnesses before the Kern-Clifton Commission did you? A No sir.
BY COM'R NEEDLES:
Q Did you ever claim citizenship in the Creek Nation? A No sir, I didn't.
Q Your name on any of the rolls of the Creek nation? A No sir.
Q Did you ever draw any payment of Creek money? A No sir.
Q Your husband was a Creek? A Yes sir.
Q What was his name? A Ned Kernel.
Q What relation was he to Abe? A Just belonged to one set of people you know, that's all the reason they went by that name.
Q You know old Abe Kernel? A Yes sir.
Q Never had any landin that Nation? A No sir.
Q Have you got any children? A No sir.
BY MR. HASTINGS:
Q ~~Have you got~~ I would like for you to tell me as near as you can who came along with you when you came back? A My sister came along with me.
Q What was your sister's name? A Eveline Kirk.
Q And who was your brother? A Dave French.
Q You remember anybody else? A No sir.
Q What time of the year was that when you came back? A '66.
Q What time? A In the fall.
Q You don't know what month? A No sir.
Q Who did you stay with over there on Pryor's Creek? A We just ~~xxxx~~ camped out.
Q Camped out in a tent? A Yes sir, never stayed with nobody.
Q And you went from there over to the Martha Vann place in Saline? A Went to 14 Mile Creek awhile and then came to the Martha Vann place.
Q Who did you see on 14 Mile Creek? A I went to see them that I stayed with.
Q Who was it? A My cousin, she was named Winnie and her husband was named Steven.
Q Steven what? A Taylor.
Q They were colored people? A Yes sir.
Q And they were living on 14 Mile Creek? A Yes sir.
Q How long did you stay down there? A I don't recollect.
Q As much as a month? A I don't recollect how long.
Q You came from there then back up to the Martha Vann place? A Yes sir.
Q Who was living there when you got back up there? A The house we went in there there was nobody living there; we went in some houses that was off a piece from where they was living.

DAVID FRENCH, being sworn and examined, sworn by Com'r Needles, testified as follows:

BY MR. SMITH:
Q State your name? A David French.
Q How old are you? A 72 years old.
Q Are you the same David French that testified in the application for enrollment of George Starr here? A Yes sir.
Q Do you know this applicant, Jane Kernel? A Yes sir, she is my sister.
Q This woman who is sitting here now, this applicant, A Yes sir.
Q Is she or is she not the same Jane Kernel that you referred to in your testimony in the George Starr case? A Yes sir, she is the

same woman.

BY MR. HASTINGS;

Q Who came along with you Mr. French? A I told you the other day.
Q Well just tell me that and we will put it on the record and get it all right, I have got to get it in every case you know, you people must understand that? A My sisters and my brother, and his children, his son.
Q What was your sister's name? A Evoline and the next one was named Jane, Jane Nave and Evaline Nave.
Q They came along with you? A Yes sir.
Q Who else? A George Starr was along.
Q Who else? A This woman that was here this morning, Abbie Bearden.
Q Who else? A Her husband, Eph Bearden.
Q Who else? A I don't recollect.
Q You don't remember anybody else? A I don't remember.
Q Where did you come to? A The old Harlin place, on Pryor Creek.
Q How long did you remain there? A I never remained there no time, they stayed up there and I left.
Q Were they there when you returned? A They was not there when I saw them again, they was at the Martha Vann place, on the east side of Grand river.
Q How long was that after you left the Harlin place on Pryor Creek? A I don't recollect, some time that winter.
Q Best of your knowledge about how long? A I don't know, I could not tell you, I just know it was sometime that winter.
Q You don't know whether it was before or after Christmas? A I think it was after Christmas, I wont be certain.
Q Well was this woman married? A She may have been married there, I don't know; she was married, I think she may have been married, I don't know whether she was married there or in Kansas in Kansas I guess.
Q What was her husband's name? A Ned Kernel.
Q Was he a Creek citizen? A Yes sir.
Q Now the next time after you saw her at Martha Vann's where did you see this woman next? A She stayed with us a good while and after she married she went to the Creek nation and stayed there three or four years and her husband died, and we went and moved her back and she has been there ever since.
Q She stayed with her husband in the Creek nation until he died? A Yes sir.
Q Was she married when you came down there? A I don't recollect, I guess she was, I couldn't say.
Q Was her husband along? A I don't recollect, that has been a long time.
Q You know what time of the year it was? A I told you it was in the spring or summer, some time in the firstpart of the summer I think.
Q Your wife along? A No sir.
Q Where was she then? A I hauled her back to Kansas, she was in Ft. Scott.
Q She was in Ft. Scott at the time? A Yes sir.
Q You know a man named Ned Adair in Saline? A Yes sir. I knowed Ned Adair before he went to Saline, I knowed him when he was a little boy.
Q You know where he was living when this woman was living on the Martha Vann place? A I don't recollect. He may have been living there back in the hills.
Q You knew him before the war, A Yes sir.
Q You can't say that there this woman was married? A I can't, because I didn't stay around very much.
Q You can't remember whether her husband was along with her or not? A I can't.

BY MR. SMITH:

Q Who was it you say came at the same time that Jane came? A Me and my brother and his children, and this woman that was here this morning, Abbie, another husband, I don't recollect how many was along, it has been so long I can't think.

Q You remember whether George Starr was along? A George Starr was along with us.

Q Where did you first come to, what point in the Cherokee nation? A We first struck the Cherokee Nation down below Chetopa.

Q I mean where did you come to? A Timbered Hill.

Q What time of the year did you say that was? A That was in the first part of the summer, springlike, I don't know what month it was.

Q Of what year? A '66.

BY MR. HASTINGS:

Q How far was Timbered Hill from Chetopa? A I don't recollect, it is below Chetopa.

Q How long did you stop there? A Not very long. We camped out there awhile, as long as we stopped we camped.

Q Well about how long did you stop? A I don't know, it has been so long I can't tell you.

Q How far is Timbered Hill from the line? A I don't know how far it is, it is a piece from the line though.

Q Good piece? A I don't say a god piece, it is a piece though.

Q You know how far it was from town? A I don't recollect, I don't know nohow, after we left Chetopa I don't know exactly how far it is.

Q You have no idea how far it was from Chetopa? A I have no idea I didn't take no notice.

Q Did you come through Chetopa? A I guess we did, I think we did anyway.

Q That is your best judgment? A Yes sir.

You know what sized place it was? A I don't know, didn't take no notice.

Q About how many stores there? A I don't know, I didn't look.

Q Didn't stop to get any provisions there? A I don't recollect, we might have stopped there and got provisions and we might have had provisions enough to do us, I don't know.

Q You don't know what sized place it was? A I don't, I know it was Chetopa, small town, I don't know how large.

Q You don't remember how far this side of that town you stopped? A I don't, I know we stopped in the Nation, after we passed through that town, after we paste through that town then we came on into the Nation and stopped.

Commissioner's Decision: Jane Kernel applies for the enrollment of herself, she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll, but she is identified upon the Wallace roll, she swears that she was a slave and taken out of the Cherokee nation during the war, and returned in 1866; as to her citizenship reference is made to her testimony; now comes her attorney, Mellette & Smith, and ask that the testimony taken in the matter of the enrollment of George Starr, who was duly listed for enrollment as a Cherokee freedman on D card 312, be made a part of the record in the case of her, same will be done, and a copy of the testimony will be filed herewith. Said Jane Kernel will now be listed for enrollment as a Cherokee freedman on a doubtful card; she will be advised by mail of the action of the Commission in the premises.

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RECORDED AND FILED
JUL 16 1901

ACTING CHAIRMAN

Jane Kerner)

M.D. Crenshaw being first duly sworn states that he stenographic for the Commission in the five civil [illegible] in the [illegible] recorded the testimony contained in this and that which the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 6, 1901.

Commissioner.

File with Jane Kernel C. F. D. 856.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8th 1901.

In the matter of the application of George Starr, et al., C. F. D.813.
SUPPLEMENTAL TESTIMONY

Appearances:
I. B. Bell for the Cherokee Nation
Mellette & Smith for the applicants.

GEORGE MUSGROVE being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-
(By Mr. Bell)
Q Your name? A George Musgrove.
Q Your age? A About 69,
Q Where do you live, you post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are you acquainted with one George Starr, a step son of Mose Nave? A Yes sir.
Q How long have you known him? A Got acquainted with him —let me see——let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons Kansas? A Yes sir.
Q How came you to find him in Parsons Kansas? A I was out hunting a mule, some fellow has stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1866, where did you live? A I lived on Virdigris, on Gooseneck Bend.
Q Right after the war? A No sir, right after the war I lived on Grand River.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there, and th next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 mile creek.
Q How far from Mose Nave? A About half a mile.
Q During these two years that lived within half a mile of Mose Nave did you see George Starr there? A Never did see him there.
(By Smith)
Q When was it you say you went to hunt your mule? A I cant say exactly, my memory it?
Q You are the one to know. You dont know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in 1869 you say? A Yes sir.
Q Where did you go to hunt the mules? A I went to Independence and from Independence to Parsons Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then came back home on down Cabin creek.
Q Did you come by [illegible] sir, just along on Cabin creek.
Q How did you travel from Chetopa? A Came back.
Q Did you come on the railroad? A No sir, from Parsons to Independence I rode along the wagon road.
Q Did you ride to Parsons on the railroad? A Yes sir horseback first on one side of the road and then on the other.
Q From Chetopa to Parsons here where did you travel? A I left the railroad at Chetopa after I left Chetopa.
Q When did you come back to where you were living? A I went back the same road.
Q How long did you come to hunt on that trip? A About 30 miles I

guess,near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he doing there? A He was living there,I staid all night with Him
Q That was a good while after the war? A Yes sir.
Q You dont know where he was in '66? A No sir.
Q You just know that you didn't see him at Mose Naves? A No sir I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No sir never met up with him.
Q You dont know if he was there or not do you? A No sir.
(By Bell)
Q When you went to hunt your mule,the railroad from Parsons to Independence was built? A Yes sir.
Q This M. K. & T. was built? A Yes sir.
Q You dont know much about dates? A No sir.
Q You found this man George Starr in Parsons then? A Yes sir.
Q Is he any kin to you? A No sir.
Q You understand that he is a step son of Mose Nave? A Yes sir.
Q You was about Fort Gibson in '66 and '77? A Yes sir.
Q And didn't see anything of him? A No sir.
Q Did you go much about Mose Naves then? A Yes sir every day or so.
Q Well acquainted with the family? A Yes sir.
Q Who was George's mother? A I dont know I wasn't quainted with her I think she was dead at that time.
(By Smith)
Q How far did Mose Nave live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No sir this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Mose Nave? A Half a mile.
Q You didn't stay at home all the time? A No sir not all the time,be at home every other day or so.
Q You say you dont know much about dates? What makes you say it was in '66 that you went to hunt your mule if you dont know dates? A I was living up here then when I went to hunt mule.
Q You said it was in '66 didn't you? A Yes sir I said it .
Q What made you say '66 if you didn't know? A A man sometimes forgets dates
Q What you said that then you didn't know what you were talking about? A Yes sir I tried to know.
Q Was it '66? A If I could recall I could tell you every date and every month.
Q When you first have your it was '66 or do you still say it was '66? A I never said I dont know to answer long I went to.
Q What was that? A I never said nothing to you.
Q Well, I want you to answer something to me. A You just brushall a Q Fellow around here like he dont know nothing.

This will be filed in Choctaw Freedman Doubtful cases,D-413; D-556 and D-557.

Then, you [illegible] that as stenographer [illegible] taken in reported in full and [illegible] is a full, [illegible] stenographic notes herein.

Witness my hand and seal this 26th day of October, 1901.

C. R. Breckinridge
Commissioner.

COMMISSION
FILED
JUL 8 1968
ACTING CHAIRMAN

F. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

MR. [illegible]: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in Freedman [illegible] be filed with and made a part of the record in this case.

COMMISSIONER: The request of the Nation will be complied with and the testimony filed.

[illegible], being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible signature]

Subscribed and sworn to before me this [illegible] day of [illegible], [illegible].

(Seal)

[illegible signature]

Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellote & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jane Kernal, D 886;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, in the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitaire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings,

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cher Fr D 857

Cher Fr D 857

DEPARTMENT O F THE INTERIOR,
COMMI SSI ON TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 28th, 1901.

In the matter of the applicati on of William Rector for en rollment as a Cherokee Freedman; said Rector being sworn and examined by Commi ssioner T. B. Needles, testified as follows:

Q What is your name? A William Rector is the name I go by.
Q Is that your name? A Yes, sir.
Q How old are you? A About 45.
Q What is your post office address? A Nowata.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A No, sir.
Q Is your name on the authenticated roll of 1880? A No, sir.
Q Is it on any of the re lls of the Cherokee Nation? A Wallace roll.
Q Have you any witnesses? A Yes, sir.
Q Who are they? A Charles Chambers and Mose Hardrick.

The 1880 Authenticated Roll, the 1896 Census Roll and the Kern-Clifton Roll of Freedmen of the Cherokee Nation and na me of applicant not found thereon.
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of appl icant fou nd thereo n, page 176, #3281, Wm. Rector , Cooweescoowee District.

Q Were you a slave? A Yes, sir, I claim to be a slave.
Q Whom did you belong to? A Looney Riley.
Q Was he a Cherokee? A Yes, sir.
Q Where were you born? A I could not tell y ou that, where I was born at.
Q Wher e were you when you can first rec ollect? A I was in the Cherokee Natio n.
Q Where at? A Here Coody's Bluff.
Q Living with Loon ey Riley? A Yes, sir.
Q Well, did you go out of the Cherokee Nation during the war? A I don't kn ow, si r; If I did I wasn't old enough to recollec t it.
Q Do you recollect the war? A No, sir.
Q What is your father's name? A I don't know.
Q What i s you r mother's name? A Mother died when I was a little bit of a baby.
Q Don't know her name? A No, si r.
Q Don't know the name of yo ur father or mother? A No, sir.
Q Where do y ou first recollect being aft er the war? A On Pryors Creek.
Q Well, you are 45 years of age? A Yes, sir.
Q You ought to have been about ten years old then? A Yes, si r.
Q Do you recollect where you were during the Civil War? A No, sir.
Q Don't recollect whether you were i n Kansas or where? A No, si r
Q First place you recollect you were at Pry or Creek? A Yes, sir.
Q Been living in the Cherokee Nation ever since? A Yes, sir.
Q Are you married? A Have been, ain't now.
Q Did you ever apply to the Cherokee authorities to have your name placed on the rolls? A Before the Court at Vinita.
Q What Court was that? A Wallace Court.
Q Did you apply to the Kern -Clifton Court? A Yes, sir, but my name was dropped off like lots others.
Q You didn't draw your money? A Yes, sir.
BY MR. W. W. HASTINGS, Cherokee Representati ve:
Q What witness did you introduc e before the Kern-Clifton Court? A Lewis Coody and Jess Brown.
Q Where were you living when the war came up? A I could not t ell you exactly the facts of this, I was too y oung to remember.

Q You don't know then who your owner was before the war, you were too young to remember? A Just what the older ones told me and by the treatment I got.
Q You claim t o be about 45 years of age? A In Between 45 and 46 according to what the older people that knews more about it than I do..
Q You didn't have Charley Chambers before did you? A No, sir.
Q Where did you first see that man? A I have been known Charley Chambers quite a while.
Q Well, about how man y years now? A I guess 15 or 16 years.
Q Where did you first see him? A First time I seen Charley Chambers was here on Coweseesk bend.
Q Was that about 15 or 16 years ago? A Yes, sir.
Q That is the first time you ever saw him? A To recollect I may have seen him before that.
Q You never saw him before the war? A No, si r.
Q And never saw him during the w ar? A No, if I did I don't recollect.
Q Now, you don't know who you came back here with after the war? A If I went out at all, of course I came with the folks that brought me here.
Q Well, who brought you here? A Sam Coody and Sallie.
Q What kin is Sam Coody to John here? A They are cousins; now, of course, I have got to go by what the people tell me.
Q Well, now, tell me please just where you remember first after t he war? A My first recollection if at the old home place.
Q John Coody was living there at that time was he? A N o, sir, his grandfather.
Q That is after the war? A Yes, sir.
Q He was not living there after the war? A Yes, I and him grew-ed up together.
Q Now, then when you can firs remember who was living there after the war? A Yes, sir, this John H. Coody.
Q Wh lives here at Newata now? A Yes, sir.
Q You remember seeing Charley Chambers 15 or 16 years ago? A Yes, sir.
Q At whose house? A Up there on the grounds I just got acquainted with him at the celebration.

BY COM'R MEEKLES:

Q Were you ever married? A Yes, sir.
Q Where? A In Coweescoowee Distri ct.
Q Is your wife living? A Yes, sir.
Q You are not living with her? A N o, sir.
Q What is her name? A She goes now by the name of Annie Patterson.
Q Has she married since she married you? A Yes, sir, she has married agin.
Q Did you ever li ve in the State of Kansas? A No, sir, I don't know nothing about Kansas at all.

CHARLEY CHAMBERS, being sworn and examined by Commissi oner T. B. Meekles, testified as follows:

Q Your name is Charley Chambers? A Yes, sir.
Q How old are you? A 70 years old.
Q What is your post office? A Hudson.
Q Are you a recognized Freedman citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, William Ree ter? A Yes, sir.
Q How long have you known him? A It was about 1870 when I seen up here, I known him when I first seen up here.
Q When did you first seen up here? A In 1870.
Q Is that the first time you ever saw him? A Yes, si r.
Q Do you know whether he was a slave or not? A Yes, sir, I gu ess he was a slave, he was living with old Mr. Ri ley, Leonay Riley.

William Ke ter,--2.

[illegible]

[illegible] mother. He does not know whether he was taken out of the Cherokee Nation during the Civil War or not; if he was, he states he returned with his father. He is not identified upon the authenticated roll of 1880, the census roll of 1896 or the Kern-Clifton roll. He is duly identified upon the Wallace roll. He will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission in the premises.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of July, 1901.

Commissioner.

Cherokee Freedmen D 857.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Rector for enrollment as a Cherokee Freedman.

DECISION.

The record in this case shows that on June 25, 1901, William Rector appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment as a Cherokee Freedman.

The evidence does not show that the said William Rector or any of his ancestors were slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the commencement of the rebellion. The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of William Rector as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 1 - 1903

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee F.D-857

Muskogee, Indian Territory, July 10, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of William Rector for the enrollment of himself as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-55

MD4

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-857.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the application of William Rector for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 6, 1904.

Respectfully,

Commissioner in Charge.

Cher Fr D 858

Cher Fr D 858

J.W.S.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Thompson Sr. et al., as Cherokee freedmen, consolidating the applications of

George Thompson Sr. et al	Cherokee Freedmen D 858
George Thompson Jr.	Cherokee Freedmen D 1026
John Thompson	Cherokee Freedmen D 1027

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by George Thompson Sr. for himself, his wife, Rhoda Thompson, his minor children, Sallie and Jesse Thompson, and his grandchildren, Bertha, Fred, Robert, Levitious, Georgia and Joe Thompson; by George Thompson Jr. for himself; and by John Thompson for himself.

The evidence shows that the said George Thompson Sr. and Rhoda Thompson were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken to Texas during the rebellion and did not return to the Cherokee Nation prior to February 11, 1867.

That the grandchildren, applicants herein, are the descendants of one James Thompson and his wife, Cornelia, a non-citizen. The said James Thompson is the son of George Thompson, Sr., and his wife Rhoda, and was the slave of a Cherokee citizen together with his parents, at the commencement of the rebellion, and was removed from the Cherokee Nation during said rebellion, but did not return thereto until after the date last mentioned. The said children for whom application was made by their grandfather, can acquire no rights not possessed by their said deceased father, they having been born subsequent to 1866.

The evidence further shows that all the other applicants herein are the descendants of said George Thompson, Sr. and Rhoda Thompson, born since 1866, and have no rights to enrollment except such as they may have derived through their said ancestors. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

The evidence further shows that the said Levitious Thompson died on December 8, 1901.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of september first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

[illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) Clifton Breckinridge,
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 25 1894

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

George Thompson, Sr.,
Rhoda Thompson, ✓ 1626
George Thompson, Jr. et al., 1626
John Thompson. 1627

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

BEFORE THE DEPARTMENT OF THE INTERIOR.

[illegible] of the enrollment of the following named [illegible] for [illegible] from [illegible]:

[illegible]

[illegible] Cherokee, dated July [illegible], 1904.

[illegible] applicants for enrollment as [illegible] Cherokee, [illegible] Commissioner, [illegible] Secretary of the Interior [illegible] Civilization [illegible], dated July 26, 1904; to reverse said decision, and to enroll [illegible] said applicants as [illegible] Freedmen, for the reasons following, to-wit:

1. [illegible] Rhoda [illegible] Cherokee [illegible] commencement of [illegible] rebellion;

2. That [illegible] George Thompson, Sr., [illegible] by his owner [illegible] into the Nation [illegible] Cherokee [illegible] his circumstances would permit, and that he has [illegible] since his return;

3. There is now question in regard to the fact that George Thompson returned to the Cherokee Nation within a reasonable time after the proclamation of the treaty;

4. The other applicants than Rhoda Thompson are descendants of said George Thompson, Sr., and claim the right to enrollment through him.

These facts clearly entitle these applicants to enrollment as Cherokee freedmen, even if George Thompson was not in the nation, physically, on February 11, 1867.

In his opinion, dated March 28, 1904, the Honorable Asst. [illegible] Secretary Frank T. Campbell, said:

2.

"It is thus clear that resident was not intended to be used in the restricted sense of actual presence in the territory, but in the sense equivalent to legal domicile or residence, and the provision was intended to operate to the benefit of the classes described whose legal domicile was in the Cherokee nation."

When the [illegible] was promulgated, domicile in the Cherokee nation, was not doubt conferred upon the Cherokee freedmen. To have lost the domicile [illegible] they acquired another, would have required [illegible] action of said freedmen, coupled with an intention, or [illegible] evidence of an intention, to abandon their Cherokee domicile; and the fact that Lizzie Tyson, [illegible] was taken on [illegible] of the Cherokee nation, and under the circumstances that existed at those time, coupled with the fact that she returned there to see [illegible] after [illegible] acquiring the right [illegible], shows that she never ceased to be a [illegible] of the Cherokee nation, and that her domicile was in that nation [illegible], and she remained there ever since.

In conclusion, we beg to refer to the above mentioned opinion, and to the briefs filed by the attorneys for the applicants in the Cornell Daniels case, recently considered by the Department.

WHEREFORE, we respectfully pray that the Honorable Secretary of the Interior to grant this petition, and to enroll each of the above named applicants, as a Cherokee freedman.

Respectfully submitted,

_____

_____
Attorneys for Applicants.

Service of, and a copy of the above mation received and accepted by the attorneys for the Cherokee nation, this ____ day of way, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee [illegible] the freedmen

MDG

COMMISSIONERS
TAMES SIXBY
THOMAS B NEEDLES
C. R. BRECKINRIDGE
WM O BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-858-1026-1027.

Muskogee, Indian Territory, July 26, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the consolidated case of George Thompson Sr., et al., dated July 23, 1904, rejecting the applications for the enrollment of George Sr., Rhoda, Sallie, Jesse, Bertha, Fred, Robert, Georgia, Joe, George Jr., and John Thompson as Cherokee freedmen, and dismissing the application for the enrollment of Leviticus Thompson, he having died prior to September 1, 1902.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Commissioner in Charge.

Encl. S-125.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROKENRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-858 et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,

Attorneys for Cherokee Nation,

Vinita Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated July 23, 1904, rejecting the applications for the enrollment of George Sr., Rhoda, Sallie, Jesse, Bertha, Fred, Robert, Georgia, Joe, George Jr., and John Thompson and dismissing the application for the enrollment of Leviticus Thompson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 23, 1904.

Respectfully,

Chairman.

Cher Fr D 859

Cher Fr D 859

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 25th, 1901.

In the matter of the application of Ibbie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs Mellette & Smith, for Applicants.
Messrs. Hastings and Davenport for Cherokee Nation.

Q What is your name? A Ibbie Daniels.
Q How old are you? A I don't know how old I am. (Hands paper to Commissioner.)
Q What is your post office? A Dewey.
Q What district do you live in? A Ceoweesecowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have got got under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't get any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is that once's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand childre here named Martha Ann? A Yes, sir.
Q Born in 1889; is your name on the roll of 1880?
A It ought to be.
Q Well, is it? A I could not tell you whether it is or not.
Q What was your father's name? A Thomas Watie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Vann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A We was enrolled.
Q Has he been enrolled by us? A No, sir. He can't come have to wheel him around on a chair.
Q Do you want to enroll him? A Yes, sir.

BY MR SMITH:

Q Mrs. Daniels, how many children have you older than the child Frankie for whom you apply? A I have got two, Frankie is the baby, I got three that is older that is on the rolls.
Q How many children have you over 21 years of age? A I haven't got but three.
Q Who are they? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels yet? A Yes, sir, she is living with me.
Q Where do you live? A I live on Canney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A 27 years or longer.
Q Have you got a farm there? A I have had it fenced, we farmed out there.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Claggett.
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

Q Where was Nancy born? A She was born down here at Gibson after the war.
Q How old is Louisa, where was she born? A On Caney.
Q How many children did you have at the close of the war?
A Didn't have but the three.
Q What were their name s? A Ji m, Emiline and Charley.
Q What has become of Jim and Emiline? A They are dead.
Q What is y our husband's name? A Andy Daniels.
Q When were you and Andy married? A Married long before the w ar.
Q Are these children whose names you have mentioned all his child-r en and yours? A Yes, sir.
Q Were you a slave before the war? A Yes, sir.
Q Whom did you belong to? A Thomas Carey and his wi fe.
Q Were they citizens of the Cherokee Nation? A Yes, sir.
Q Where did they live before the war? A Lived right on Grand ri ver.
Q ~~Xxxxxyx~~ Where were you li ving at the time the war come up?
A Living on Grand river.
Q were you taken out of the Cherokee Nation during the war?
A Taken down t o Fort Smith, my old boss took me down there and hired me out to work.
Q When did y ou return to the Cherokee Nation after the war?
A I come back after Abraham Lincoln got killed; come back to Gib-son.
Q How do yo u know that ? A They all said so.
Q Who did you come back with? A I come back with Government troops.
Q Who was with you when you come back? A There was a whole lot of Cherokees and Creeks.
Q Did y ou have any children at that time? A I had three.
Q Did y ou bring them back with you? A Yes, sir.
Q Where was your husband? A I could not tell you, he was in the army then.
Q How lon g after you got back before he got back? A It was about a year and he come back to see me, we was down at Gibson.
Q How long were you about Fort Gibson at that time?
A I stayed down there pretty near two year when I moved up to Caney.
Q And where have you been living since you moved to Caney?
A I ain't been li ving at no other place.
Q This child, Frankie, you apply for is that a boy or girl?
A Boy.
Q Does Franki e live with you? A Yes, si r.
Q Has he ever li ved an ywhere except the Cherokee Nation?
A No, sir, never did

BY COM'R MIDDLEW:

Q What is the reason your husband isn't here? A He is paralyzed and could not walk.
Q Not able to come? A No, si r.

BY MR. HASTINGS:

Q You say the troops brought you back from Fort Smi th up to Fort Gibson? A Yes, si r.
Q How far below Fort Smith were x you when you got wi th the t roops? A Right in Fort Smith.
Q Right in the town? A Yes, sir.
Q And you come back up from there to Fort Gibson? A Yes, sir.
Q N ow, wi th whom did you live when you c ame up to Fort Gibson?
A I lived wi t h old Aunt Sallie Bacon, she is a grandmother of my daughter.
Q Now, where did Sallie Bacon li v e? A Lived right in t he town.
Q How far was that from Fort Gibson? A It i s not very far from Fort Gibson, right on the edge of the lake.
Q What family did Sallie Bacon have at that time? A ~~xxxxxx~~ had No one but her daughter.

Q What was her daughter's name? A Named Polly N ivens.
Q They were living together at that time? A Yes, si r.
Q Is she a witness in your case? A Yes, sir.
Q Did y ou have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a little girl born there.
Q What was her name? A Nancy Jane.
Q Is Nancy alive? A Yes, sir, she i s alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got i t down on your paper? (No response.)
Q Well, how how long di d you continue to reside there with Salli e Bacon? A I stayed there a year and half.
Q Now about what time of the year did you get there? A I come there in the fall.
Q I n the fall of '65 A Yes, sir.
Q What time did you leave there? A I left there in the Spring.
Q Now, was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, si r.
Q Now, where did you go from there? A I went to Caney where I am living now.
Q Direct from there? A Yes, si r.
Q N ow, did you go with your husband out there to Caney?
A Yes, sir.
Q You and hi m continued to r eside there ever since have you?
A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes, sir.
Q Now lets get it right, you claim to have come there in the fall of '65, you stayed there a year and half? A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q Now, how far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were you neighbors at that time out there? A N obody but t he Osages.
Q An y of the Delawares li ving out there at that time? A No, sir.
Q Did you an d your husband settle down at that time, you and Andy?
A Yes, sir.
Q And you continued to liv e together? A Yes, sir.
Q He never went off and you never went off? A He went off to work.
A After you moved up t here? A N o, sir.
Q He never left and you never? A No, si r.
Q That was in the spri ng of '67? A Yes, si r.
Q Now, about what direction from Bartlesvi lle was that, on Caney?
A North.
Q An d you continu ed to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been li ving up there when Tom was born? A About a year and a half.
Q And you don't remember how many years old Tom i s? A No, sir.
Q You didn't bring Emeline back from Fort Smith with you?
A I did.
Q Is she here? A She s dead.
Q Well, then ~~[illegible]~~ when you were living with Sallie Bacon you had three children? A Yes, sir.
Q And another one was born there? A Yes, si r.

BY COM'R MEREDITH:

Q You say you didn't see Andy for about a year after you got to Fort Gibson ? A No, sir, he was i n the service.

Q Soldi er? A Yes, sir.
Q He come there about a year after you did? A Yes, sir.
Q Been with you ever since? A Yes, sir.
BY MR. HASTINGS:
Q How long did you and he live together at For t Gibson, before you moved to Caney? A I told you we stayed down there a year.
Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney?
A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you ~~left~~ moved from there up to Caney? A Yes, sir.
BY MR. SMITH:
Q Mrs. Daneisl, I asked you a while ago the names of your children besides Frankis and you spo ke of James, Henry and Charley and of Nandy and of Emeline and stated that Emeline and James were dead?
A Yes, sir.
Q Now, these children whose names I have just c alled are not all of your children? A Yes, sir.
Q Did you have any other? A Yes, sir, of course I have got some other, ther e is Josephine and Thomas.
Q Is Josephine still Daniels? A Yes, sir.
Q Where is she? A She is at home.
Q Living with you? A Yes, sir.
Q Where was she born? A Living on Caney .
Q Has she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas a while ago? A Well, he is with me too.
Q Is he married or single? A No, sir, single.
Q Is he you r child? A Yes, si r.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living wi th you ? A Yes, sir; Lewis; Jonas ain't mar-
r ied.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Has he lived any where else except the Cherokee Nati on?
A No, sir.
Q Where does Jonas li ve? A Cherokee Nati on.
Q N ow about Martha An n? A She ain't never li ved no wheres else either.
Q Who was the mother of Martha Ann? A She was a Gaskin.
Q Who was the father? A My son Jim.
Q Is she living wi th you? A Yes, sir, I have had her ever since she was a baby.
Q How old is she? A 12 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.
BY COM'R MEMBLES:
Q What is the father's name now of Martha? A Ji m.
Q Well, who is the mother? A The mother is dead, she is a Gaskin.
Q I s she a citizen? A No, sir.
Q Was James and the mot her of this Martha ever married?
A Yes, sir.
Q What was her name? A Ellen Gaski n.
Q She was a non-citizen was she? A Yes, si r.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A The preacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage. A Well I guess I c an prove it.
BY MR. SMITH:

Q Do any of the witnesses that you called up here know about this marriage of your son? A Lewis Daniels I gu ess know it.
Q Where were they married? A On C aney.
Q How long did they li ve together? A About eight or nine years.
Q Did they li ve together as man and wife? A Yes, sir.
Q In the house where you were li ving? A Yes, sir.
Q Did he ever any any other wife? A No, sir, not as I know of.
Q Did she have any other husban d? A Not as I know of.
Q Did the people in the community call them husband and wife, regrad them as husband and wife and recei ve them as husband an d wife? A Yes, sir.

BY MR. HASTINGS:

Q Did she have any children before she married him? A No, sir.
Q I beli eve you st ated that you and your husband lived together down there at Fort Gibson for a year and half before you moved up to Caney? A Well, we di d.
Q Now, you lived down there with your husband, did you, Andy Daniels? A Yes, sir.
Q About how long had you been at Fort Gibson until your husband come, or did he c ome first? A He come after he was mustered out and I don't know when he was mustered out.
Q I want to know about how long that was after he come up there? A Little over a mon th.

L. D. DANIELS, being first duly sworn by Commi ssioner T. B. Needles, testifi ed as follows: BY MR. SMITH:

Q State your name. A L. D. Dandels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q How long have you lived in the Cherokee Nati on? A All my life
Q Are you a Freedman of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, Ibbie Dani els? A Yes, sir, I do.
Q How long have you known her? A I have knowed her ever since '65.
Q Did you see her in 1865? A I seen her sir.
Q Where? A Fort Gibson.
Q What time in '65? A It was in t he fall.
Q State the circumstance of your seeing her? A Well, there was wagons come from Fort Smith and there was a good many people come up in the wagons; they were going on to Fort Scott and she stopped there and inquired for a c ertain family there and I told them where they were an d then after that I seen her very frequently.
Q How long did she remain in that settlement, do you know? A Well, she remained there I guess a year of such a matter.
Q You don't know exac tly how long she stayed? A No, because sometimes I would see her sometimes twenty days and sometijes more than that, bec ause I would see her every twenty days, every t ime they would come to draw rations I would see her there.
Q Do you know where she lives now? A Yes, sir.
Q Where? A Over on Caney four miles above Bartlesville, north.
Q Do you know how long she has been living there? A I have been living up here 36 years an d when I moved up here they were living over there and living there now, when she is at home.
Q Do you know her children? A Well, she had three in Fort Gi bson, two girls and a boy.
Q She had three you say? A Yes, sir, three.
Q Do you know how many she has had since that time? A She has got a house full now, I haven't been to her house since I was over t here then and there was five I know was down with the chils then in '89.
Q You don't know how many there was that didn't have the chillen? A N o, sir, t here was a good man y running aroun nd there.

Q Did you know Andy, her hu sband? A Andy Daniels, Yes, sir.
Q Do y ou know whether Andy was out of the Cherokee Nati on during the war? A Yes, sir, h3 belonged to the Second Regiment.
Q Do y ou know when he come back? A He come to Gibson after that, he come there and got this woman down there, I don 't know whether it was i n '67 or the latter part of '67.
Q Do you know when Andy was mustered out? A N o.
Q Do y ou know of your own personal knowledge when he came back to the Cherokee Nati on? A No, because I was living to Gibson and he wasn't mustered out there and I could not tell you waht time; he hit the other part of the Cherokee Nation.
Q Was I bbie a slave? A I didn't know the former owners at all.
Q You didn't get acquainted with her until '65? A Yes, sir, not u ntil to Gibson.

BY MR. HASTINGS:

Q When did you first see Andy Daniels after the war?
A I thin k it was in '67 o r either latter part of '66 when he c ame to Gibson.
Q And that is the t ime you seen him in Gibson after the war?
A Yes, si r, I seen him in the army.
Q With whom was thi s woman living down there when you knew her first after the war? A She come there every time she would comd to ge' rations she would come with Isaac Crape's wi fe.
Q What was her name? A I don 't know, claimed to be her mother.
Q Claimed to be whose mother? A This woman's mother.
Q You don't know whose house she stayd? A She stayed at her own house on the old Lake, about a mile from Houston Benge's.
Q You saw her three children at that time? A Yes, si r and Isaac Had children there too.
Q What were the names of these hildren you saw at that time?
A I don't know, it was strange to see a Cherokee with a little white child and she Had a white child at that time.
Q Well, did do you know that she continued to resid arou nd there at that time? A She stayed armund there four or five months to my knowledge.
Q You wou ld see her about when she come and got her feet under the table to get r ations? A She come to t he old house the people applied to get the rations.
Q You are willing to swear that she was there from '65 until '67? A I am willing to swear that she was there in '65 and around t here four or five months.
Q To be positive about that? A Yes, si r.

Remainder of application t aken by Stenographer Chas. von Wei se.

---oooOOOooo---

J. O. Rossen, being first duly sworn, states that as sten og- r apher to the Commission to the Five Civilized Tri bes, he correctly recorded the testimony and pr oceedings in t his case, an d that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossen

Subscribed and sworn to b efore me this 12th day of July, 190 1.

Commissi oner.

Continued from Stenographer J. O. Rosson. * * * *

Muskogee, I. T. June 25th 1901.

In the matter of the application of Hebbie Daniels et al.

EASTER WILLIAMS called and sworn by Commissioner T. B. Needles, testified as follows:

By Mr. Smith of counsel for applicant-

Q What is your name? A. Easter Williams.
Q Do you know this applicant, Hebbie Daniels? A. Yes sir, slightly acquainted with her for 35 years
Q Do you know where she lives? A. Yes sir.
Q Do you know her children? A. No sir.
Q Where has she been living since you knew her? A. On Caney
Q Do you know who her owners were during the war? A. Yes sir, Walker Perry, she said it was, I knowed some of them on Grand river.
Q Did you know her before the war? A. No sir.
Q Did you know her during the war? A No sir.
Q You dont know anything about her citizenship ? A No sir not personally.

By Mr. Hastings, Cherokee representative-
Q Did you see her in '66? A Just about 35 years ago.

By Mr. Hastings of the applicant

Q How far do you live for John Parker? A. I dont kno.
Q Do you know him? A. Yes sir
Q But you dont know how far you live from him? A. No sir.
Q When did you see W. H. Foreman first after the war? A. At Fort Gibson
Q When was that? A I dont know.
Q Before you left there? A. Yes sir.
Q Was your husband there then? A. No sir he was in the army
Q What time of the year was it? A. Cold weather, I dont know the month.
Q And you dont know the year? A. No sir.
Q At what place was it? A. Right in town where I was hiried out.
Q At whose house? A. I dont know, I dont member the name.
Q You remember seeing this man though? A. Yes sir.

William Foreman, called and sworn as a witness for the applicant-

By Mr. Smith-

Q What is your name? A. William Foreman.
Q What is your post office address? A. Wagoner.
Q What is your age? A. [illegible]
Q Are you an Indian? A. [illegible]
Q A Cherokee Indian? A. [illegible]
Q How long have you lived in the Cherokee Nation? A. All my life.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Q How far did they live from you at the time of the war? A. I was living 30 miles north of their place when the war commenced.
Q He was here when the war commenced? A. Yes sir in Delaware district Cherokee Nation at Carney's Prairie.
Q Do you know if this applicant was taken out of the Cherokee Nation during the war? A. No sir I dont.
Q When did you first see her after the war in the Cherokee Nation? A. At Vinita before the Wallace court.
Q Did you testify for her there? A. I might have, I dont recollect, I think I did as to her owners.
Q Did you know her husband? A. Yes sir.
Q Was his name Andy? A. Yes sir.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. Zeek Daniels.
Q Was Zeek Daniels a Cherokee citizen? A. Yes sir.
Q Do you know if he was taken out of the Cherokee Nation during the civil war—Andy? A. I can't tell, of my own knowledge.
Q When did you first see Andy back here after the war? A. At Vinita before the Wallace court.

By POLLY NIVENS, called and sworn as a witness for the applicant-

By Mr. Smith-

Q What is your name? A. Polly Nivens.
Q How old are you? A. 56.
Q Do you know this applicant here? A. Yes sir.
Q When didyou first get acquainted with her? A. Just after peace was made I met her.
Q You didnt know her before the war? A. No sir.
Q You dont know who she belonged to? A. No sir.
Q Where did you first see her afterthe war? A. At Fort Gibson.
Q How long after peace was declared? A. In the fall, peace was declared in the summer and she came in the fall, the first fall after peace.
Q How long did she stay around there? A. I guess she stayed there a little over a year, I seed her around there about that long
Q Did you know her after that when she went up on Caney to live? A. No sir.
Q Never have been at her house on Caney? A. No sir.

By Hastings-

Q Who did she live with at Fort Gibson? A. Her husband was a soldier when I saw her she lived in a little log house and a a white girl, yellow girl, it was [illegible].
Q How far from where you lived? A. I was in town and my grandfather lived at the lake and she lived close to my grandfather, closer to town than my grand[illegible] did.
Q What name did she go by? A. [illegible]
Q Was she married then? A. I dont know, she said when she came there that her husband was [illegible].
Q How long after that [illegible] her husband? A. I dont [illegible] that, for [illegible] I didn't.
Q You don't remember what A. [illegible] I dont know how long after that that I went [illegible]
Q Had many children. Did she have [illegible]? A. Only that white one.
Q [illegible] A. [illegible]
Q [illegible]
Q [illegible] A. [illegible]

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Q And this woman lived down there close? A. Yes sir.

By Commission of applicant-

Q Did you ever draw money for Martha? A Yes sir.
Q Did you draw your strip money? A. No sir.

Applicant not found on the authenticated roll of 1880

Applicant not found on the Census roll of 1896.

Applicant not found on the Kern Clifton rill.

Wallace roll examined and the name of applicants found as follows-
Page 111 No. 2360 Andrew Daniels, Cherokee Nation.
Page 111 No. 2361 Ebbie Daniels, " "

Kern Clifton roll examined and the name of applicants child found as follows-
Page 124 No. 3083, Frank Daniels, Delaware district.

Q Did you ever apply to the Cherokee authorities to have you name put on the 1880 roll? A. Yes sir.
Q Where did you apply? A. At Claremore.
Q That was when they was around taking the census? A. Yes sir.
Q You never went to Tahlequah to have it done? A. No sir.
Q Did your husband? A. No sir.
Q You didn't get your strip money for yourself or husband? A. No sir only for the children, me and the old man and Lewis was left out.
Q Is Martha living? A. Yes sir.

Kern Clifton roll examined and the applicants child Martha identified as follows-
Page 124 No. 3084 Martha Daniels, Delaware district.

By Com'r Needles,-

Ebbie Daniels applies for herself, her husband Andy one son Frank, and her a grand daughter Martha, 12 years of age. The said Ebbie and Andy Daniels are not identified on any roll except the Wallace roll; her son Frank is identified on the Kern Clifton roll and also her grand daughter Martha. She says that she and her husband were slaves in the Cherokee Nation and went out of Cherokee Nation during the war but returned here in 1865 or 1866, she has lived here ever since. She says that Joseph Daniels, who is the father of applicant, by his wife Sarah was a Cherokee, being a full blood Indian between the said Joseph Daniels and his wife Sarah, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880 and by reason of the provisions of the Cherokee Nation law and treaties, the husband Andy, her son and grand daughter Martha are not entitled to be enrolled as Cherokee freedmen on a descent roll and should be denied by reason of the final decision of the Commission.

* * * * * * * * * * * * * * * * * *

Q. Was Ebbie living among Cherokees before emancipation? A. Yes sir. Children in her family Cherokees before by adoption, I think she was one.

N. 7 2959

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 18 1901

Acting Chairman.

ceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

[illegible]

Subscribed and sworn to before me this the [illegible] day of [illegible]

[illegible]

[redacted]

F.D. 859

9/16 Proof of service made & filed.

SEP 10 1901

NOTICE!

IN THE MATTER OF The application of Andrew Daniels for enrollment as a Cherokee Freedman:

Case No. F. D. 859

To Andrew Daniels or Melette & Smith

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on the following dates, to-wit: Oct. 1st A. D. 1901, during the usual business hours of said Commission at 8 o'clock A. M. on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 10 day of 1901, 1901.

R B Bell

Attorneys for the Cherokee Nation.

File with Andrew Daniels, C. F. D 859

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 2d, 1901.

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. F. D 859

W. W. Hastings attorney for the Cherokee Nation.
Mellette & Smith attorneys for the applicants.

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your name? A Joe B. Parker.
Q How old are you? A I don't know exactly, between 3 and 4.
Q What is your post office? A Salina.
(By Hastings)
Q How far do you live from the town of Coweta? A About 7 miles north
Q Do you know a colored man in the vicinity named Andrew Daniels? A
A Yes sir.
Q Do you know his wife? A No sir, I don't.
Q Do you know her name? A No sir, I don't.
Q Is this man an old like man, middle age or young man? A Old like.
Q Has he a family? A Yes sir.
Q Do you know any of the members of his family? A No sir, I don't, I have never been to their house.
Q How long has he been living out in that vicinity? A Ever since the Delaware [illegible] have been there.
Q What year did the Delawares come there? A In [illegible].
Q Do you belong to the Delaware tribe? A Yes sir.
Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
Q How long did you know him in Kansas? A About a year.
Q Did you come here with the Delawares? A No sir, there was a few families came first, the Wyandotts that started they stopped here on Grand River, and I came with them, we stopped with the Wyandotts first and then came on.
Q About what time did you leave Kansas? A Went through Lawrence Kansas on the first day of January, [illegible].
Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
Q Did he come with you? A No sir.
Q When did you next see Andrew Daniels? A Came along in August some time, [illegible].
Q Where? A On the train at Coweta.
Q In the Nation or [illegible]? A Yes sir.
Q [illegible] we got on our horses and went [illegible] we came to Coweta and I saw him.
Q Where [illegible]? A The Delawares.
Q How far was that from where Andrew Daniels is now living? A
A About [illegible].
Q [illegible]
Q Have you been [illegible]
(By Mellette)
Q How old were you when you came to the Delaware nation? A Just as I said a while ago, I don't [illegible].
Q Well, about how old were you? A [illegible] about twenty.
Q Were you grown? A Yes sir.
Q Married or single? A [illegible].

Q Where did you come from the the Cherokee Nation? A Kansas.
Q Near wat place in Kansas, now? A We used to live 7 or 8 miles north east of Lawrence.
Q You didn't come back when the premier band of Delawares came? A No sir we came before and stopped at the Kickapoo reservation and staid all winter.
Q You stated that you knew Anderson Denham in Kansas? A Yes sir.
Q Can you give the year that you knew him in Kansas? A It must have been about '66 he was working in the fall when I saw him first.
Q Did you ever see him any more after that? A Yes sir.
Q Where? A He was working on the farm where I lived, working for old man Sarcoxie.
Q How long after that before you here he left? A Had been about a year.
Q How long had it been since he had been in Kansas before you came here? A I don't know exactly.
Q A year or two? A Yes sir, about a year or such a matter.
Q You don't know where he was during that time? A No sir.
Q All you know is that after you got here in the Cherokee Nation you say in '68 was the last? A Yes sir.
Q Did he have a wife? A I don't know.
Q If he had you don't know her name? A No sir.
Q Don't know any of his children? A No sir.
(By Hastings)
Q Did you know this man in Kansas? A Yes sir.
Q Where was he when you left in there about the first of '68? A I cant tell that I don't know where he was then.
Q Had you seen him some before that? A Yes sir.
Q Where had you seen him? A He was working for old man Sarcoxie.
Q How long before you left where had you seen him? A I dont remember that
Q Have you no knowledge of how long you saw him in Kansas before you left there and come here? A No sir I dont know.
Q You have no knowledge to be enabled to say if was a short time or a long time? A No sir.
(By the Commission)
Q Your first recollection of him in Kansas was in '65? A Yes sir in '65 or '66.
Q Soon after the close of the war? A Yes sir.
Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.
Q Where did he live from that time until the first of January [illegible]
Q You don't know if he [illegible] in that neighborhood or not? A No sir.
Q Have you any knowledge of [illegible] from '65 until you left in [illegible] to the fellow the war [illegible] field in '65 or '66.
Q Have you any [illegible] until '68? A No sir.
Q If he was living at your [illegible] you don't recollect it? A No sir.

(Continued on [illegible] page [illegible])

Chas. [illegible]
[illegible]

Chas von Weise

Subscribed and sworn to before me this the 7th of October, 1901.

Commissioner.

- Continued from testimony taken by Chas. von Weise. -

JOHN YOUNG, being duly sworn and examined by Commissioner Breckinridge, testified as follows, through Joe B. Parker, interpreter:

Q Give me your full name please? A John Young.
Q How old are you? A About 60.
Q What is your postoffice? A Watova.
Q Are you a ntive of the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee Indian? A Yes, sir.
Q What are you, a Delaware? A A Delaware.
Mr. Hastings: How far do you live from the town of Dewey? A About six miles.
Q What direction? A A little bit northwest.
Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.
Q Do you know his wife? A Yes, I have seen his wife.
Q Do you know her name? A No, I don't know her name.
Q How long have you known Andrew Daniels? A About a year before I left Kansas.
Q When did you come from Kansas? A I don't know, it has been about 35 years ago.
Q Did you come with the Delawares when they came to this country? A Yes.
Q You don't remember the year that the Delawares came here? A No.
Q Was it before or after the Delaware treaty with the Cherokee Nation, the Delaware Agreement? A Yes, after the treaty.
Q What were you doing up there in Kansas? A I was making some ties there on the railroad.
Q How far was that from where you lived? A About half a mile from where I lived.
Q Do you know what time of the year you left up there? A Left there in the spring.
Q Do you know where Andrew Daniels was - when you left, where Andrew was when you started to [illegible] A No.
Q Well, what [illegible] A Yes, when I started I don't know, I don't know where [illegible] after the Delawares came together at the [illegible]
Q What camp? A [illegible]
Q Kansas? A Yes, sir.
Q Then what became of [illegible] A He came down with them.
Q Came down with the [illegible] sir.
Q Where did he come [illegible] Cherokee Nation.
Q Was Andy lived up [illegible] when? A He went back to Kansas after [illegible]
Q That [illegible] Andrew [illegible]
Q How long did he [illegible] A I don't know how long he was [illegible] Kansas.
Q When he came back [illegible] A Yes, he had his family.
Q Well, have you [illegible] A Yes.
Q Well, he has a wife [illegible] A Yes.
Mr. Smith: How old were [illegible]

Nation with the Delawares? A I don't know my exact age, but I was about 24.

Q Did the Delawares all come at one time, or did they come at different times? A Different times.

Q How many times that you recollect about? A Twice.

Q How many Delawares were in the party you speak of, the party you came with? A I don't know, but I know there was seventy wagons in the outfit.

Q Can't you state what year that was in? A No, I think it was about 18.

Q You don't know anything about the man Andrew Daniels up to about the year before you started to the Cherokee Nation, do you? A No.

Q You said something about his going after his wife, and about his returning: when he returned, how close did he come to you to live?

A Five or six miles.

Q Now can't you tell us what his wife's name was? A No.

Q Did you see his wife? A Yes, saw her often in her life time.

Q Well, what was her name? A She is dead now.

Q How long has she been dead? A I don't know, it was several years ago.

Q Has Andrew Daniels a wife at this time? A Yes.

Q What is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do you know anything about the children of Andrew Daniels' present wife? A No.

Q Do you know the names of anyone of these children? A No, but I would know the children if I should see them.

Q Do you know the name of any one of them? A No.

Q Did that woman who is dead, about whom you spoke, have any children at all? A Yes.

Q Do you know the names of any of her children? A No.

Q Do you know anything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been living together? A No.

Q Is it a short while or a good many years? A I don't remember how long it has been, how long they have been living together, I don't remember, don't know.

Mr. Hastings: Do you know who Andrew came with in that crowd of Delawares? A Yes, he drove a team down here for a widow woman, her name was Widow Pachacki, that is all I know.

Mr. Smith: Was the wife that you say that Andrew went back to Kansas after the woman that died? A Yes.

Q Do you know of your own knowledge whether Andrew was in the Cherokee Nation after the war closed and before this time that you speak of his coming down with the Delawares, or not? A No, I don't know anything about that.

Commissioner: When did you first know Andrew Daniels? A It was about a year before the Delawares left the reservation up there in Kansas.

Q About a year before the Delawares came down to the Cherokee Nation? A Yes, sir.

Q Was that the first movement of the Delawares or the second time? A The second time.

Q What season of the year was it when you came down with the Delawares? A Sometime along in June I think.

Q And you knew Andrew about a year before that? A Yes, sir.

Q Did he live near you? A No.

Q Did you see him often? A He visited pretty near all winter

right close to where I lived making ties.
Q That was the winter before you came down to the Cherokee Nation?
A The winter before.
Q The winter before that? A Yes.
Q Let's understand that: you came down here along in June?
A Yes, sir.
Q Now was it the winter right before that that Andrew was cutting ties, or the winter still before that? A No, still the winter before.
Q The second winter before you came? A Yes.
Q Well, what did you see of him between the time he was making ties the second winter before you came, and the time he came with you?
A Never saw nothing more of him till I saw him on the road with the Delawares.
Q How did he happen to fall in with you Delawares? A Well I don't know, I just supposed the old lady Pecharcki hired him to drive a team.
Q He was driving the old woman's team, was he? A Yes, sir.
Q He seemed then to be coming along as a hired man? A Yes, sir.
Q Do you know whether he had ever been down in the Cherokee Nation before that time? A No.
Q Does he live in your neighborhood now? A Yes, right close to Dewey.
Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edmund Duncan Carey, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name, please? A My full name, Edmund Duncan Carey.
Q How old are you, Mr. Carey? A Going on 70.
Q What is your postoffice? A Grove.
Mr. Hastings: Well now what was your father's name? A Thomas Carey.
Q Where did your father live before the war? A He lived right on the east bank of Grand river at Carey's Ferry, it was known, about half a mile from the ferry.
Q Near where you live now? A Right near where I live now.
Q Was he a Cherokee citizen? A Yes, sir.
Q You are a recognized citizen of the Cherokee Nation by blood?
A Yes, sir.
Q What was your mother's name? A Jane Carey.
Q Was your mother living when the war came up? A No, sir.
Q Was your father? A Yes, sir.
Q Did your father have a colored woman as a slave by the name of Abbie? A Yes, sir.
Q When did you leave home: I mean with reference to the war? A I left in '62, July, sometime in July.
A Joined the army? A Yes, sir.
Q Was your father at home then? A No, he moved across into Missouri just about the time I left.
Q Where was this slave, Abbie? A She was with my father.
Q In Missouri? A Yes, sir.
Q He took her off with him? A Yes, sir.
Q When did you next see your father? A '65, sometime in June.
Q Is your father living or dead at this time? A He is dead.
Q When did he die? A Well, I don't tell you just exactly, about 30 years ago, or so.
Q Directly after the war? A Just after the war two or three years.
Q Now when you saw your father - I believe you said in June?
A Sometime in June.
Q In June of '65, did he have this colored woman, Abbie, with him?
A No, sir.
Q Where did you see your father? A Down South.

Q Did he have any colored people with him? A No, sir.
Q Did your father remain there in Fort Smith? A No, he went on back up to Butler Creek in Missouri.
Q Fort Smith, Arkansas, to Missouri? A Yes, sir.
Q Did he go as you went along? A Yes, sir.
Q Along as you went? A Yes, sir.
Q He didn't have any colored people with him? A None at all.
Q What had become of this colored woman, Abbie? A Well, he said he sold her in Fort Smith.
Q When did he tell you that? A Well, when I first met him in Fort Smith.
Q In June of '63? A Yes, sir.
Q And you saw her no more? A Never saw her any more, never saw her yet..
Q You have never seen her since the war? A No; if I have I haven't knowed her.
Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.
Q Well, did you know Daniels first name before the war? A Andy.
Q To whom did Andy Daniels belong before the war? A He belonged to one of the Daniels, I don't recollect his name now.
Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.
Q Your father had no control over Andy? A None at all.
Q Was there any other Thomas Carey, who lived over here on Grand Giver, before the war? A No, sir.
Mr. Smith: Mr. Carey, how old were you when the war commenced? A I don't know, somewheres about thirty.
Q Married or single? A Married.
Q Where were you living? A I was living right on the river bank at the ferry.
Q How far from your father's? A About half a mile or more.
Q What date did you leave there, you speak of going away? A I went away in July sometime.
Q What year? A '62.
Q Where was your father at the time you left? A Well he went, when I went to the army, went to Missouri.
Q He go before or after you left? A He went just the same time, we both went across the line at the same time, I went to the army and he went to a place up there.
Q Did you leave your home place and travel together until you crossed the Missouri line? A Yes, sir.
Q That was in July, '62, was it? A Yes, sir.
Q Then where did you separate from your father? A Separated right there in the edge of Missouri, I went in the army and he stayed there.
Q Then how long from that time was it until you saw your father again? A Well it was along sometime in June, 1863.
Q About a year? A Pretty near a year, it wasn't quite.
Q Are you sure it was '63? A Yes, I am pretty sure it was '63.
Q Are you quite certain about it? A Yes, sir.
Q You couldn't be mistaken? A No, sir, don't think I could.
Q Now what was your father doing in Fort Smith? A He moved down there he said.
Q Had moved to Fort Smith: was he living there? A Well, he moved down there with some of his darkies, and he said he sold them there; I was in the army, I don't know what he was doing, I met him there.
Q You see any other members of your father's family there? A No, sir.
Q How long had your father been in Fort Smith at the time you saw him? A He has been there a week or two.
Q That was June, 1863? A June, 1863, as well as I recolledt.
Q You know whether it was in the summer or not? A Well yes, sir, it was warm weather.

Q It was in the summer then, was it? A I guess so.
Q Was it on that trip, or during that time, that your father had sold this woman, as he related it to you? A Yes, sir.
Q Did he say who he sold her to? A No, sir, I never asked him.
Q He had sold her then somewhere within a week or two of the time you were talking to him? A Yes, sir.
Q Did he take her out with him at the time you and he before that left the Patriot? A Yes, sir, him and his family went out, his wife and him and his darkies went together, and me, I went with them.
Mr. Hastings: Mr. Carey, did you continue to see your father from time to time, did he join the army or did you stay in the army? A I stayed in the army, and he stayed back up there.
Q Did you see your father? A No, I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.
Q Did he have any slaves along when he went to Texas? A No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1892, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows on the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-859, Andrew Daniels et al: and also in Cherokee Freedman Doubtful cases D-912, D-915, D-931, D-962, D-963, and D-971.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Ibbie Daniels, D 889;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

J.O.T.

In the matter of the application for the enrollment of Andrew Daniels, et al., as Cherokee Freedmen, consolidating the applications of

Andrew Daniels, et al.,..	Cherokee	Freedmen	D 859 ✓
Nancy Claggett, et al.,..	"	"	D 912 ✓
Lucinda Daniels,.....	"	"	D 913 ✓
Thomas Daniels, et al.,..	"	"	D 931 ✓
Lewis Daniels,.....	"	"	D 962 ✓
Charles Daniels,.....	"	"	D 963 ✓
Jonas Daniels,.....	"	"	D 971 ✓

D E C I S I O N.

The record herein shows that on June 25, 1901, Ibbie Daniels appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself, her husband, Andrew Daniels, her son, Frank Daniels, and her grand-daughter, Martha A. Daniels; by Nancy Claggett for the enrollment of herself and her minor children, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett, as Cherokee Freedmen and for the enrollment of her husband, John Claggett, as a Cherokee Freedman by intermarriage, but as the status of persons claiming rights as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of John Claggett, as such, will not be passed upon or considered in this decision; by Lucinda Daniels for herself; by Ibbie Daniels for her minor children, Thomas and Josephine Daniels; by Lewis Daniels for himself; by Charles Daniels for himself; and by Jonas Daniels for himself.

The evidence shows that the said Andrew Daniels and Ibbie Daniels were the slaves of Cherokee citizens at the commencement of the rebellion; that the said Charles Daniels is a son of Ibbie Daniels and, having been born in slavery, took the status of his mother; that they all went out of the Cherokee Nation during the rebellion; and that Ibbie Daniels, with her son Charles Daniels, returned to said Nation in the fall of 1865. It further appears that all the applicants, other than those named in this paragraph are the descendants of said Ibbie Daniels and were born since 1866.

It further appears that the said Ibbie Daniels and Charles Daniels have resided in the Cherokee Nation continuously since their return thereto after the rebellion, as above mentioned; that said Nancy Claggett has resided in said Nation for more than fifteen years immediately preceding the date of her application herein; and that the said Lucinda Daniels, Lewis Daniels and Jonas Daniels have resided in said Nation all their lives. It is considered that the residence of the said minor applicants has been in the Cherokee Nation since their birth.

The evidence further shows that the said Andrew Daniels died in April, 1902.

Section twenty-five of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the said Ibbie Daniels, Frank Daniels, Martha A. Daniels, Nancy Claggett, Willie Claggett, Elizabeth Claggett, Isabell Claggett, Mariah Claggett, Alexander Claggett, Nancy J. Claggett, Josie M. Claggett, Lucinda Daniels, Thomas Daniels, Josephine Daniels, Lewis Daniels, Charles Daniels and Jonas Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered. It is further ordered that the application for the enrollment of the said Andrew Daniels as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

T. B. Needles

Commissioner.

C. R. Lee

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAR 5 19[illegible]

Vinita I. T. August 24th 1901.

Mr. Ed Carey,

Grove, I. T.

Dear Sir:

A colored woman by the name of Ibbie Daniels whose present husband is Andrew Daniels who claims that she is not postive of her present age but that she is about sixty years old and claimed that she was a slave of Thomas carey and lived on Grand riverbefore the war and that her mistress took her south to Fort Smith Arkansas where she resided until 1865 when she returned to Fort Gibson and livedthere until her husbands return in 1867. She claims to have had three children, James Emaline and Charles at the close of thw war and she states that Charles was born before the war and her testimony is not distinct as to whether those other two were born before or during the war. We think perhaps it was a mistake about her being hired out as she claimsin Fort Fort Smith Arkansas. She claims that her mistresshired her out when she was taken south to Fort Smith and remained until 1865 and we think she might have been sold out of the country. Please write us anything you may know that would affect her right to enrollment as a freedman citizen of the Cherokee Nation whether she was ownedby Thomas Carey or not and whether she was sold out of the country and what you know if anything about her return and her residence since the war and oblige,

Yours truly,

L B Bell W W Hastings & J S Davenport

Attys for the Cherokee Nation.

W W H

J. C. S.
F. D. 889.

Before my father went South her mistress was named Jane Carey but now is named Jane Teannie She lives at the Delware Court house now and now if you want any more information write to Mrs Teannie.

as ever yours
E. D. Carey

F.D 859

Grove Wood. Tenn.
Aug: 27th 1901

L. B. Belle.

Dear Sir
I will endeavor to
Write you in ans: to
your Letter that was
Recd to day. I know
them Colored people
Which you wrote to me
about. they belong to my
father my under Standing
is that he Sold them
at fort Smith i dont
Who to. it was in the
fall of Suty two. as
well as i remember. the
three Children was all
born before the War. my
father took her and
Went South and her
mistress Went north

M.C.9

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D859; D912; D913;
D931; D962; D965;
D971.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Andrew Daniels, et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis, Charles and Jonas Daniels and Nancy, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett as Cherokee Freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Encl. V-21

Mine Martin

Says Andy Burnes
4 mos was in Kansas &
James Martin moved
Mine down here in
1868 (8 mos) Two mos
he lived Mine together.

Cher Fr D 860

Cher Fr D 860

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 25th 1901.

In the matter of the application of Annie Hims for the enrollment of herself and four children as Cherokee freedmen; she being sworn by Commissioner T. B. Needles, testified as follows-

Joe Sequichie agent for the applicant.

James Davenport attorney for the Cherokee Nation.

By Com'r Needles,-

Q What is your name? A. Annie Hims.
Q What is your age? A. 34.
Q What is your post office address? A. Hayden.
Q In what district do you live? A. Owassoowee.
Q What is your fathers name? A. Willis Warn.
Q What is your mothers name? A. Amanda Warn.
Q Are they living? A. Mother is dead, my father is living. A.
Q Are you married ? A. Yes sir.
Q What is your husbands name? A. Beck Hims.
Q Is he a citizen? A. No sir a state man.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir
Q Who else do you desire to have enrolled at this time? A. Two children and two brothers.
Q What are the names of your children? A. Vergie O. Hims.
Q How old is she? A. 13 miles
Q Next one? A. Bryan Hims.
Q How old? A. 5 years.
Q What are the names of your brothers? A Willis Warn.
Q How old is he? A. 36 years old, he is in prison.
Q What is the next one? A. Sellis Warn
Q How old is he? A. 38 years old
Q Where are these brothers? A. One is in prison and one is on Lightning creek.
Q Is your name on any of the rolls? A. No sir.
Q On none of them? A. No sir.

By Sequichie,

Q What time of the year, I mean how long since your mother has been dead? A. 18 years.
Q Where were you born? A. I dont know.
Q Where were you when you first remember? A. On Lightning creek, at Mrs. Haydens'
Q Was you raised there? A. Yes sir.
Q Are you married? A. Yes sir.
Q When did you marry? A. In 1896.
Q Where did you marry? A. In Kansas
Q How long were you there before you married? A. A year, I went school there.
Q How long did you go to school before you married? A I went one term and met the man I married and came back and went back and married him, I guess I first met him 2 years before I married him
Q Did you return to the Cherokee Nation after you married? A. Yes sir.
Q Right away? A. Yes sir.
Q Have you lived here continuously since? A. Yes sir.

Q Does your husband live here? A No sir he works in the states
Q What is his occupation? A. Brick mason.
Q Why is he in the state of Kansas now? A. Because his trade carried him there.
Q Do you live with him? A. Yes sir, but I come back home here and look after my property.
Q What does your property consist of? A. I have 80 acres and some horses and my cousin has charge of it for me? A.
Q What is your cousins' name? A. Joe Manley.
Q How long have you owned this property? A. It was taken up for me when I was a girl.
Q Do you consider this as your home? A. Yes sir.
Q And you only live in Kansas because your husband works there? A Yes sir he works and I work.

By Mr Davenport-

Q Are you a daughter than Ellis Warn? A. Yes sir
Q What year did you first go to school in Oswego? A. I dontremember the year.
Q How old were you? A. Good sized girl.
Q How long have you been married? A. I married in '85.
Q Since then where have you and your husband resided? A. I come here and look after my property all the time.
Q Have you and your husband ever kept house here? A. No sir,I make my fathers my stopping place when I come home.
Q You have never lived here? When live in Oswego and keep house there? A.Yes sir.
Q You have really lived there ever since 1888 and kept house there all that time? A. Yes sir.
Q You came from Oswego the week before last at Chelsea? A Yes sir.
Q Your children are in Oswego now? A. Yes sir.
Q How many have you there? A.Two.
Q Where were they born? A They were born in the Cherokee Nation.
Q You lived in Kansas and your children were born in the Nation? A Yes sir I come home to have them.
Q What was your mothers name? A. Amanda
Q When were these children born? A One was born in 86 and one in 88 s

By the Commission;

Q Where are these children now? A. Oswego.
Q Have they lived there continuously since their birth? A. Yes sir they live there but they come here for the summer.
Q They just come here for a visit during the summer dont they? A Yes sir.
Q Was your mother a slave? A. Yes sir.
Q Who did she belong to? A. Jack Ball.
Q Was he a Cherokee citizen? A. Said to be.
Q You dont know? A. No sir.
Q Do you know if your mother went out of the Cherokee Nation during the war? A. No sir I dont.
Q You was born after the war? A. Yes sir.
Q With whom were you living at Oswego when you went to school? A With Mrs Cousins.

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Continued by stenographer Bruce G. Jones.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Chas. von Weise

Subscribed and sworn to before me this the 9th of July, 1901.

Commissioner.

Annie Elms and four children.

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Continued from testimony taken by Stenographer Chas. von Weiss.

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June 28, 1901. Before Commissioner Needles.

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Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Sequichie: What is your name? A Allen Lynch.

Q How old are you? A 61 years old.

Q What is your post office? A Vinita.

Q Mr. Lynch, do you know the applicant Annie Elms? A Yes, sir.

Q How long have you known her? A I have known her ever since '67.

Q Where did you know her first? A On Grand River.

Q How old was she when you first knew her? A Just a little bit of a thing.

Q Did you know her mother, Amanda Warren? A Yes, sir, I knew her.

Q Was she a Freedman? A She used to be a slave of Jack Bell when I knew her.

Q When did you know her? A I knew her when she was in Flint District before she went to Texas.

Q Cherokee Nation? A Yes, sir.

Q When was that when you knew her? A They went from the Cherokee Nation a good while before the war to Texas, they left here a good while before the war; Jack Bell took them to Texas.

Q Do you know when they returned? A When I saw them they were down on the River in '67.

Commissioner: What River? A Grand River.

Q Cherokee Nation? A Yes, sir, Saline district.

Mr. Sequichie: '67; that is where you first saw them? A Yes, sir, when I first saw them after they came back, her mother and George Johnson's wife was first cousins of mine, and there is where I saw her.

Q How long did they live on Grand River after that? A I think they just raised one crop there.

Q Where did they go then? A Up about Lightening Creek.

Q Do you know whether they have lived there ever since? A Yes, sir, living there now.

Q Do you know whether the applicant here, Annie Elms, lived there? A No, I don't know, no sir.

Q When was the first time that you saw the applicant on Lightening Creek? A Why I saw her about four or five years after that along up there, I can't tell you just exactly when.

Q Do you know about where this lady lives along on Lightening Creek? A Yes, sir.

Q What neighborhood, whereabouts? A Hayden neighborhood.

Q Does she live there now? A Yes, sir, lives there now.

Q You don't know about what timetime the applicant here left the Cherokee Nation? A No, sir, I don't.

Q Do you remember when she married? A No, sir, I don't know nothing about her marrying.

Q Have you seen her at any time since that time? A I don't believe I have seen her half a dozen times since they moved out; if I did I don't know her, xxxxxxx

Q Any at all? A Yes, sir, two or three times, at Vinita and at Lightening Creek.

Q Do you know anything of her peroperty interests here in the Cherokee Nation? A No, sir.

Q Don't know anything about that? A No, sir.
Mr. Davenport: Now as I understand you, her mother and father were taken away from the Cherokee Nation by Jack Bell several years before the war? A This girl's mother and father; her mother was, yes, sir.
Q And that the next time you saw the mother was in '67 sometime?
A Yes, sir.
Q Down on the river? A Yes, sir.
Q And since this girl growed up you don't know where she has been living? A No, sir, not particular.
Commissioner: What time in '67 did you see them? A I raised a crop there at George Johnson's in the spring of '67.
Q When did you see Amanda Elms in '67? A Then.
Q What month was it? A Along in April or May.
Mr. Davenport: Was this girl there with them then? A This child or some others, he had some children, I can't say just what children they were.

John Landrum, being duly sworn by Commissioner Needles, testified as follows:

Mr. Sequichie: What is your name? A John Landrum.
Q What is your age? A 59.
Q What is your post office? A Hayden, Lightening Creek.
Q Do you know the applicant, Mrs. Annie Elms? A Yes, sir.
Q How long have you known her? A Been knowing her for about thirty years.
Q Where did you know her first? A I got acquainted with her mother on Grand River.
Q What was her mother's name? A Amanda.
Q Amanda who? A Amanda Warren her name was then; she went by that name.
Q Do you know anything about where they came or what they did after you saw them on Grand River, after you knew them? A Well they remained there until they left, when she went up on Lightening Creek.
Q Was Amanda Warren a freedman? A Yes, sir.
Q Who did she belong to? A I suppose she ~~[illegible]~~ sprung from the Bells.
Q How come? A Well I~~x~~ was quite small at that time, I can't just remember, but I knew her mother.
Q Do you know what became of them? A No, sir, I can't tell that part.
Q When was the next time you saw the family, Amanda Warren and her family? A That before the war you mean?
Q Yes, before the war? A I never did see her before the war.
Q After the war? A After the war I saw her on Grand River; there is where I saw Amanda, on Grand River.
Q When was that? A When I saw her that was in '76 on Grand River.
Q Do you know anything about how long they had been there when you saw them? A They had been there a good while I suppose.
Q Where did they go to from there? A They moved from there on Lightening Creek.
Q Do you know of the applicant, Mrs. Elms, living there? A Yes, sir, she was a small child, just a small girl.
Q Have you seen her off and on, that is from that time on, at that place? A Yes, sir.
Q Up to what time? A On from the time they moved from the river.
Q From the time they moved over there, you remember how long she lived there. A She lived there quite a while, lived there till she got a grown girl nearly.

Q Do you know anything about where she went to when she was grown?
A No, sir, not exactly.

Q Do you know anything about where she has been since she has been grown? A Well, to tell the fact about it, I can't tell you that part.
Q Do you know anything about her property interests in the Cherokee Nation; has she got any property here? A Yes, sir, her mother.
Q What does that consist of? A Yes, sir, she has got a place, a farm; a farm, it is not any farm, but she has got a field.
Q Do you know of her having any personal property? A Well, no sir, I can't tell you that part of it; she has got a farm though .
Q What condition as to the possession of the farm, is it in?
Mr. Davenport: I object to that as immaterial.
Commissioner: It is apparently immaterial.
Mr. J. S. Davenport: You never knew the mother or father either of this applicant, before the war? A No, sir; well, I will tell you — Q Answer yes or no. A No, sir, I didn't know them; didn't know her mother.
Q The first time you saw her mother was '76 on Grand River? A Yes, sir, on Grand River.
Q About what year did they move to Lightening Creek? A They moved there in '70, in '76.
Q And you lived on Lightening Creek from '66 up to that time, didn't you? A Yes, sir.
Q And they moved up there about '76? A Yes, sir, that is the time they lived up there.
Q You don't know of your own knowledge anything about whether or not her mother was a slave or not? A No, sir.
Q And you don't know whether she was in the Cherokee Nation at the breaking out of the war or not? A No, sir, not enough to know it myself.
Q I am speaking of your own knowledge? A No, sir, I can't tell you nothing about that part of it.
Mr. Hastings: Where has this woman been living for the last fifteen years? A Well, I can't tell you where; to tell the fact, I can't tell you where she has been living; I will tell you what I can; she comes and goes, and for me to tell you what places, Chetopa or somewhere else, I can't tell you; I sees her every time she comes I sees her.
Commissioner: Is her mother living down here, her father? A Her stepfather is.
Q What is his name? A Warren.
Q Warren is her stepfather, is he? A Yes, sir.
Q Her stepfather lives there? A Yes, sir, he lives there.
Q Where; on Lightening Creek? A Yes, sir.
Q And Annie Elms is someone else's child? A Yes, sir.
Q Has she ever lived there with her family and husband, kept house on Lightening Creek? A She did a while, that has been a good while; that was when she first married.
Q How many times has she been married? A Twice, to my knowing.
Q What was her first husband's name? A Major.
Q Major Reed? A Yes, sir.
Q Did she have any children by Major Reed? A No, sir.
Q She lived there then with Major Reed? A Yes, sir.
Q Has she ever lived there, kept house, with her present husband?
A Her husband she has got now, well she stayed on the place; I will tell you, she stayed on the place after her mother died, when she came on Lightening Creek, when she died she had that place.
Q Did you ever see her husband? A Yes, sir.
Q You have seen Doc Elms? A Yes, sir.
Q Ever see him on Lightening Creek? A Yes, sir, every once in a while.
Q Come there in a buggy? A Well, I can't tell you how he comes.
Q Did he have any house there? A Yes, sir, I told you they had a place.
Q Did they keep house and live together? A Yes, sir; of course

I don't know as they kept house but they were on the place there.
Q How long? A I have seen them there, well about two or three weeks at a time.
Q Anybody else living on the place but there? A Right there at that place, yes, sir.
Q Who? A Warren lived with them then on the place.
Q They are down there to her stepfather? A Yes, sir.

Ellis Warren, being duly sworn by Commissioner Needles, testified as follows:
Mr. Sequichie: What is your name? A Ellis Warren.
Q What is your age? A I can't tell my age exactly.
Q What is your post office? A Hayden.
Q Do you know the applicant, Mrs. Annie Elms? A Yes, sir.
Q What relation is she to you? A She is my daughter.
Q Your own daughter? A Well, I have always called her my own daughter.
Q Did you marry her mother? A Yes, sir.
Q How old was she when you married her mother? A She wasn't here when I married her mother.
Q How old is she then? A I don't know her age exactly.
Q Where was she born? A She was born on Lightening Creek.
Q Did you live there on Lightening Creek where she was born? A Yes, sir.
Q Where did you move to from Lightening Creek? A I never moved from there, live there now.
Q Never been any other place but Lightening Creek? A I have been other places, I have never lived other places, I work anywhere and everywhere, I thresh all over the country; Lightening Creek has always been my home.
Q Has Mrs. Elms always lived with you up there until she was married
A Yes, sir.
Q In the Cherokee Nation? A Yes, sir, only when I would have her to school; she would go to school.
Q Where did you send her to school? A Oswego.
Q How long did she go to school up there? A She would go there the school session and come back in the fall.
Q Then what did she do? A Stayed at home.
Q What year was she married? A I can't tell you that, I can't tell the dates.
Q You know how long she has been married? A No, sir, not exactly.
Q Where did she live when she married? A Lived with me when she first married.
Q Was she married at your house? A Yes, sir.
Q First marriage or second marriage? A First marriage.
Q Then when was she married the second time? A I don't know how long it has been since she has been married the second time.
Q Where was she married the second time? A She was married in Oswego the second time.
Q How long had she been up there before she married? A She hadn't been up there a great while, she came back home and went back to school and married before she came back again.
Q She was married in Oswego? A Yes, sir.
Q How long did she stay up there after she married? A About two or three months.
Q Then where did she go? A Came home.
Q How long did she stay at home when she came? A She stayed at home all that winter, pretty near all the winter, and then went back.
Q Her husband came down with her? A Yes, sir.
Q Stay there with her? A Yes, sir, until they went back to Oswego.

Q Then where did they go? A He works up there, he is a mason.
Q Has he lived any length of time down there with you? A He stays sometimes, he comes down and stays sometimes two or three months, sometimes comes and stays all winter, and then goes back in the spring.
Q Has the applicant, Annie Elms, got any property interests in the Cherokee Nation? A She has got some horses there and she has got a place and got an interest in two farms.
Q Has she always held personal property, either in that character or others, since her mother's death? A Yes, sir.
Q Has she always had an interest of her mother's estate ever since her mother has been dead? A Yes, sir.
Q Derived any benefits from the farms in which she is interested?
A Yes, sir, one of them she does every year.
Mr. Hastings: How old is this woman? A I can't tell you her age exactly.
Q Was she born on Lightening Creek? A Yes, sir.
Q How far from John Landrum's? A Well, my home I think is about four or three miles from John Landrum.
Q You were living there when this girl was born? A Yes, sir.
Q You remember what year that was? A No, sir, it was the next year after I came to the country, I came there in the fall and she was born the next spring.
Q You came back with her mother? A Yes, sir.
Q Where did you first come to? A I first came, I camped about two weeks on the river, I came out to the country, hunting for her mother's folks.
Q And you were along with her mother? A Yes, sir.
Q And this girl wasn't born until you were over here on Lightening Creek? A No, sir, I just had her mother and one little baby.
Q And she is your daughter? A I have always called her my daughter.
Q How long had you been living withher mother when this girl was born? A Been living with her about, I guess five or six months, before she was born; we had been together pretty near a year.
Q Then you had been living with her five or six months before you moved to Lightening Creek? A I married her and brought her right on to this country, she had one little baby when I married her, going on 3 years old.
Q Where did you marry her? A I married her in the south.
Q Where did her mother die? A She died on Lightening Creek.
Q What was her first husband's name? A Warren.
Q This girl's? A She had a man named Reed.
Q Where did she marry him? A Right there in my house on Lightening Creek.
Q How long did she and Reed live together?, A Why Ican't tell you that exactly; they lived together some considerable time and he went off West and left her.
Q She go to school after that? A Yes, sir, went to school, for she was nothing but a child when she married him.
Q She went to school in Oswego? A Yes, sir.
Q And she was up there when she married Elms? A Yes, sir.
Q Her children were born up at Oswego? A They were born up here.
Q On Lightening Creek? A Yes, sir.
Q Both of them? A Yes, sir, both of them were born there.
Q Now you had been living with her mother five or six months before this girl was born on Lightening Creek? A Yes, sir, I had been on Lightening Creek about six months I am satisfied before she was born.
Q How long did you camp on the river then before that? A I never camped there long, I was trying to get to her mother's folks, I stayed there I reckon two or three weeks, I left her down there until I came up and then went back, I came up horseback first.

Q Then you never lived over there on the river but two or three weeks before you came to Lightening Creek? A No, sir, I made a crop on Grand River but I camped on a little river before I came there.

Q Was her mother with you when you made the crop on Grand River? A Yes, sir, she was living with her sister.

Q Were you living with her as your wife? A Yes, sir.

Q Then I understand you to say you lived with her while you made a crop on Grand River, and then came out on Lightening five or six months before this girl was born? A I came on and brought her to her sister's and then I came up to Moss Hayden and there I left her and made a crop, because I had no place to make a crop.

Q You left her mother out here at Moss Hayden? A Yes, sir.

Q How far is that from Jack Landrum? A About four or five miles, and then Jack Landrum helped me to move all the things I had down there up here.

Q That is the same Jack Landrum was in here as a witness, Jack or John Landrum? A Yes, sir, I always call him Jack.

Commissioner: When was the first time you saw Amanda Warren after the war? A Why I saw her right directly after the war, right after the war ended.

Q Where? A I was down here in Denton County, Texas.

Q That is the first time? A Yes, sir.

Q When is the first time you saw her in the Cherokee Nation after the war? A I never seen her till I brought her here.

Q You married her in Texas? A Yes, sir, married her and brought her to this country.

Q When did you come here with her? A I came here just before Christmas in the fall of '66, I met Harry Still coming to this country.

Q Where did you bring her to? A Brought her down on the river and then I stopped there about three weeks and he told me where her folks was, where her sister was, and I went and got her and came out.

Q Was Amanda ever married before she married you? A No, sir.

Q And Annie was born after you married Amanda? A Yes, sir.

Q You know Annie to be Amanda's child? A Yes, sir, she is Amanda's child.

Q And you are her father? A Yes, sir, called her father.

Q Was Amanda a colored woman? A Yes, sir, a yellow woman.

Q She wasn't a full blood African? A No, sir, there is very few of them now.

Mr. Hastings: How long were you up here till you saw Allen Lynch: did you go right to his neighborhood? A I came right in his neighborhood of course; I don't know how long I was out here before I saw him but I was out here a great while.

Q You came right in his neighborhood? A Yes, sir, I came right in the neighborhood of where he lived.

Commissioner: Have you been enrolled yet by us? A Yes, sir, I have been enrolled.

Q Who did you apply for when you enrolled, who did you have enrolled besides yourself? A No one but myself.

Q You didn't apply for these children? A Their witnesses wasn't there and I didn't apply.

Q Is Willis your son? A Yes, sir.

Q Is Callie your child? A Yes, sir.

Q Are they the son and daughter of Amanda? A Yes, sir.

Q Why isn't Willis here himself? A He is in prison at Muskogee.

Q Is he married, Willis? A No, sir, he isn't now.

Q Was he ever married? A He has been married.

Q Has he got any children? A He has one.

Annie Elms A 7.

Q Where is that child? A It is with its grandmother, his wife's mother.
Q Is his wife living? A No, sir, she is dead.
Q The reason Willis isn't here to-day is, he is incarcerated in prison and can't appear? A Yes, sir.
Q Is Callie living? A Yes, sir.
Q Living with you? A Yes, he works for me all the time.
Q Callie is a boy? A Yes, sir.
Q How old is he? A About twenty something, near that.
Q He is living? A Yes, sir, he is living.
Mr. Hastings: Did you know Hooley Bell in Texas? A No, sir, I didn't.
Q Do you know whether he was living down n Cabin Creek when you came or not? A No, sir, I don't.
Q When was the first time you ever saw him here after you came out?
A I can't tell you just when I did see him the first time, I stopped amongst the colored people, and there is where I worked pretty much all the time for the first two years.

Harry Still, being duly sworn by Commissioner Needles, testified as follows:
Mr. Sequichie: What is your name? A Harry Still.
Q How old are you? A 54.
Q What is your post office? A Hayden.
Q Do you know the applicant, Mrs. Annie Elms? A Knowed her ever since she was a baby.
Q Where did you know her? A I knowed her, first time ever I saw her was in my mother's house.
Q Where at? A On Lightening Creek.
Q How long ago has that been? A Been ever since she was a baby, but the first time I saw Ellis, Willis didn't have her; the first time I met Ellis Warren he was by himself.
Q Where did you see Ellis? A Right where Chelsea is, right on Pryor Creek.
Q Where was he going? A He was looking for Alonzo Manley, this woman's uncle.
Q Where was he coming from? A He didn't tell me where he was coming from, I expected him to say he was coming from the south somewhere.
Q Where did he go to? A He came to Lightening Creek.
Q You say you didn't see the applicant at the time? A No, sir.
Q How long after that before you saw her? A A year I expect or better before I saw this girl.
Q Where? A At Hayden, yes sir Ellis came there and stayed all night and went from there to Grand River sometimes and when he came back out there about a year after that, and then he had this here girl and her mother, and she was a baby.
Q Did they stay down there on Lightening Creek? A Yes, sir, made a place there.
Q Have they been there continuously since that time? A Yes, sir, I saw Annie off and on ever since she lived there, she married there first.
Q Who did she marry? A Major Reed.
Q How long did she live with? A I don't know how long she lived with Major Reed, but quite a while, and they separated.
Q Then where did she go? A She went back to her father.
Q Then how long did she stay there? A Stayed there with him quite a while, she then went I think with her uncle somewheres up above there and was married again, but in the mean time, the first place that they ever made was this old place known as the Alonzo Manley

place now, that belonged to her mother, the first place made was the old John Johnson place, that has been 34 years ago since they started that place, then came down and made this other place that they taken away from Annie, her mother had the place.

Q When she went with her uncle, you say up above, whereabouts was that? A I think they went to Oswego.

Q Kansas? A Yes, sir.

Q How long did she stay there? A Well, she was up there quite a while before she came back home, she came back several times, she was with us at Braggs during the Wallace Payment; saw her on Lightening Creek at different times.

Q Do you know anything about her trying to be enrolled at the Wallace Court? A Yes, sir.

Q Where did she go to be enrolled, do you know? A She came to Vinita, she went from there to Braggs, she came back to Vinita again, and was there during the payment, and I have seen her different places.

QQ Did they enroll her? A I thought she was on the roll all right, I never did know any different.

Q Do you know whether she went before the Kern-Clifton Commission or not? A I don't recollect whether she did or not.

Q How much of this time since she returned from Kansas after she married has she been living on her place? A Why they lived on the place all the while before they went away from here till they took it away from them.

Q All the while? A Yes, sir, she lived on the old place first.

Commissioner: How long did she live on the old place after she married Ellis? A I expect it must have been about five, ten or fifteen years.

Q All the time continuously? A Yes, sir.

Mr. Sequichie: The applicant? A Yes, sir.

Q Do you know whether she has got any other personal property here or not? A Yes, sir.

Q Always held it there? A Yes, sir.

Commissioner: When did you first see Amanda, her mother? A The first time I saw Amanda was in the first part of '67 when Ellis brought her out here.

Q What part of '67 was that? A The first time I saw Ellis was in the fall of '66.

Q I am talking about Amanda? A Early in '67, when they moved out here on Lightening Creek.

Q About what month? A It must have been sometime in January or February, I think that is about the time.

Q January or February? A Yes, sir, some time about then.

Anderson Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Sequichie: What is your name? A Anderson Lynch

Q How old are you? A 64.

Q What is your post office? A Vinita.

Q Do you know the applicant, Mrs. Annie Elms? A Yes, sir, knowed her ever since she was a little bit of a thing.

Q Did you know her mother, Amanda Warren? A Yes, sir, I knowed her mother.

Q When was the first time you ever knew her mother? A It was in the winter of '66 when I saw her come there on the river and help George Johnson clean up a field.

Q Where did they come from? A From the south, some place somewheres down that way.

Q Is that the first place you saw the applicant? A The first time I saw her mother there, and she was around about that time.

Q Do you know who her mother belonged to? A She was claimed to be free, and Jack Bell taken them off, and run them south somewheres; they is first cousin of mine, her mother was.

Q Then when was the first time you ever saw the applicant? A I saw her severan times, once in a while I meet up with her out at Vinita.

Q When was that? A I don't know just exactly when, it hasn't been over a year or so I guess.

Q Did you kow her any time before that? A I knowed her before.

Q How long ago? A She was a good big girl when I run on her again, and then she was with her mother at Goose Neck.

Q Do you know where they lived? A No, sir, not exactly where they did live, they lived somewhere up this way, lived here on the Creek some place.

Q Did you know her mother before the war? A Yes, sir.

Q Where did she live then? A Down in there about Tahlequah.

Q Did she go south during the war or before the war? A It was just before the war when her mother went, about time the war was coming up like.

Q And returned back to the Cherokee Nation in what year you say? A It was in the winter of '66, helping clean up a field on George Johnson's place.

Q You know how long they stayed there? A He made a crop there and he came out this way somewheres on the Creek, I don't know whereabouts he settled out here.

Q Did he settle down permanently up this way somewheres? A Yes, sir I saw him several times when I didn't see them.

Q Have you always known the applicant here from the time she was a girl? A Well she was a good big girl when I saw her the last time.

Q Do you know when she married? A No, sir, don't know when she married.

Commissioner: Know where she has been living since she married? A No, sir.

Mr. Hastings: How big was this girl when her mother came up there from the south? A Well she wasn't any size, there was two or three of them, I didn't know them apart hardly, there was a boy or two with them along too.

Q Do you remember this girl? A I remember them, there were some, and then I saw them afterwards and they told me who they were.

Q How far did you live to them on the river when they first came in here? A It was just about a mile.

Q How many children did her mother at that time have? A She had either three or four, I don't know just exactly.

Q Boys or girls? A There was two boys I ~~think~~ was along, and if I am not mistaken, there was three three or four.

Q Her husband with them then, this girl's father? A Yes, sir, he was with them then.

Q On whose place was that? A On George Johnson.

A How far did George Clarke live from there? A Clarke was living I think up on the river some place, about Six Mile Bottom.

Q Where is that George Johnson place? A It is just in below the Island Ford, about half a mile, it is right down from the Island Ford.

Q Her father made one crop down there, did he? A Yes, sir.

Q How far did Al Lynch live from them? A I don't know exactly where Al was then.

Q Do you know whether she is the oldest child or not? A I don't know whether she is the oldest child or not.

Q You know she was born while her mother was over there, while they lived there? A I disremember whether she was born or not, there were three or four of them together.

Q About what time of the year was that? A That was along near-

about Christmas as near as I can remember when he first came there, they came from the south down below there somewheres.

Q How long before the war had it been since you had seen her mother? A I diremember just exactly how long.

Q As many as five or six years? A She was just a young girl then.

Q As much as five or six years before the war? A Yes, sir, I expect it might have been that, ju t about that long then.

Q Jack Bell was Hooley Bell's father? A Yes, sir, he took him too.

Mr. Sequichie: Mr. Lynch, you are not positive when you first saw them back in the Cherokee Nation that it was the applicant who was one of these children? A I seen her several times afterwards and they always claimed that she was the same one was there.

Annie Elms, recalled, testified as follows:

Mr. Hastings: Have you got any brothers or sisters older than you? A One boy, Oscar, xhexisxdead, he is dead.

Q You are the next? A Yes, sir.

Q Where did your brother Oscar die? A Down about Redland.

Q Before you came up here? A He went down there and married and died down there.

Q You are the second child? A Yes, sir.

Mr. Sequichie: Who did you live with after your mother died? A I married after she died.

Q Have any relations around in the neighborhood? A Yes, sir, my uncle and my father.

Q Who was your uncle? A Alonzo Manley was my mother's brother.

Q Did you apply for enrollment at the Wallace enrollment?

A I did.

Q Were you enrolled? A I thought I was until the payment came on, I had witnesses and went before the Court.

Q Did you apply for enrollment before the Kern-Clifton roll? A No I was sick that summer, my father applied for me.

Q Do you know whether they enrolled you or rejected you? A I thought I was enrolled till afterwards, and found out I wasn't; that was the summer my baby was born, I was sick there all the summer; it has never been found on any rolls.

Commissioner: You never drew any money from the Cherokee Nation at all? A No, sir.

Ellis Warren, recalled, testified:

Commissioner: This oldest son of yours of named Willis? A Yes, sir.

Q He always lived in the Cherokee Nation? A Yes, sir, never lived out.

Q Never lived out? A No, sir, only when I sent him off to school.

Q Was he married? A Yes, sir.

Q Married in the Cherokee Nation? A Yes, sir.

Q Is his wife living now? A No, sir, she is dead.

Q When he married he lived in the Cherokee Nation? A Yes, sir.

Q Did he live in the Cherokee Nation when he was arrested?

A Yes, sir, attested at Claremore.

The Wallace roll examined and the following names found thereon:
Willis Warren on page 151, No. 5144, Cooweescoowee district;
Callie Warren on page 151, No. 5146, Cooweescoowee district, as Calles Warren.

Commissioner: Annie Elms applies for the enrollment of herself and two children, Virgie G and Byron. She also applies for the enrollment of her two brothers, William M.,

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 9 1901

ACTING CHAIRMAN.

Annie Elms - A 11.

26 years of age, and Callie, 20. She avers that her brother Willis is incarcerated in prison and cannot be present himself. She nor the names of her two children cannot be identified upon any of the rolls of the Cherokee Nation. Her two brothers, Willis and Callie, are identified upon the Wallace roll. She avers that she is the child of Amanda Warren, a slave, who is now married to Ellis Warren. She avers that she is now married to one Doc Elms, a non citizen, living in the State of Kansas. Proof is made that her mother Amanda is a slave. As to the time of her return to the Cherokee Nation, and her residence, reference is made to the testimony. The said Annie Elms and her two children Virgie C. and Byron will be now listed for enrollment as Cherokee Freedmen on a doubtful card, as well as her two,brothers, Willis Warren and Callie Warren. Applicant claims her citizenship ~~xxxxx~~ comes through her mother Amanda, Ellis Warren, her father, being a non citizen, and she has been listed for enrollment as a Cherokee Freedman by intermarriage. She will be notified at her postoffice address of the action of the Commission in the premises, when the same is arrived at.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of July, 1901.

C R Breckinridge.

Commissioner.

NOTICE!

IN THE MATTER OF The application of Annie Elks for enrollment as a Cherokee Freedman:

Case No. F. D. 820

To Annie Elks or J. R. Sequichie Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 24 at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept. 1901.

P. B. Bell

Attorneys for the Cherokee Nation.

Supl. C.P.)D.#860.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Annie Elms as a Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
Mr. J. R. Sequichie, Agent for applicant;
Mr. W. W. Hastings, for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles, testified as follows.

MR. HASTINGS: What is your name? A L. B. Bell; 62, post office Vinita.

Q What is your father's name? A John A. Bell, commonly known as Jack Bell.

Q Did you father own, at any time before the war, a slave by the name of Amanda or Mandy? A Yes, sir, he owned a girl by the name of Amanda.

Q What became of Amanda, did he own her when the war came up.

A Father was not alive when the war came up, he died first day of May, 1860; we had a farm down there, out in Texas, and owned some Freedmen there, out home was here and there for that matter? I had administered on the estate there in Texas; George H. Starr, now dead, was the other administrator, and amongst the slaves this here Amanda.

Q Well, what did you do with them? A Well, on the first day of January 1861, we sold all the slaves belonged to the family at public sale by order of the court; we could not divide them satisfactorily and so just sold them out.

Q To whom did you sell them? A We sold thes Amanda to one J. M. Barton, a citizen there of Russ Country, Texas; he lived there about three or four miles from out plantation, our home.

Q What was his citizenship? A He was a white man, a citizen of the state of Texas.

Q How long had Amanda been in Texas before you sold her? A Since 1853.

Q Do you know anything about when she came to the Cherokee Nation after the war? A No, sir, I could not tell you anything about that; I think she was there in 1867 on Barton's place when I left there, but I would not be absolutely positive about that.

Q To what part of the Cherokee Nation did you return? A I came around Delaware district not, it was on Big Cabin Creek, where the old Military road crosses the creek leading from Fort Gibson to Fort Scott.

Q How far is that from Grand river? A Probably five miles and a half.

Q What time did you reach there? A Why I crossed Arkansas river right down here about the 23 or 4th of May, somewhere along in there 1867.

COM'R NEEDLES: Crossed the Arkansas river into the Cherokee Nation in 1867? A Yes, sir.

MR. HASTINGS: How long after that until you saw Amanda?

A Well, I didn't think I saw her for probably 15 or 20 years I never saw her but once.

Q You know who Amanda married afterwards and what name she went by?

A No, sir.

Q Do you know this applicant, Annie Elms? A No, sir, only she is a reputed daughter of Amanda.

MR. SEQUICHIE: Where was it you saw her 15 or 20 years ago?

A It was up there about Vinita, it was in the Cherokee Nation.

COM'R NEEDLES: You say, Mr. Bell, that the applicant is reputed to be the daughter of Amanda? A Yes, sir.
Q Did Amanda belong to your father? A Yes, sir, that is, she belonged to my father up to May, 1860 and he died and she belonged to the estate.
Q Was your father a Cherokee citizen at that time? A Yes, sir.

ZEKE STARR, being duly sworn by Commissioner Needles, testified as follows on the part of the Cherokee Nation:
MR. HASTINGS: What is your name? A Zeke Starr.
Q Your post office? A Tahlequah.
Q Your age? A 52 years old.
Q Did you know Jack ~~Xxxxxx~~ Bell before the war? A Yes, sir.
Q Father of L. B. Bell? A Yes, I know him.
Q Did you know a slave that he formerly owned by the name of Mandy?
A Yes, sir.
Q Do you know who owned her at the time the war broke out in '61?
A Mat. Barton they called him.
Q What was his citizenship? A He was a citizen of the state of Texas, white man.Q
Q Do you know when he bought her? A No, I don't know exactly the time, sometime after the time Uncle Jack Bell died, bought her under an administration sale.
Q What was your father's name? A George Starr.
Q When did you come back to the Cherokee Nation after the war?
A 1868.
Q Do you know anything about this woman's whereabouts after the war and up to '68? A Why no, I never paid any attention.
Q Do you know whether she was in Texas or not? A No, I could not say.
MR. SEQUICHIE: How say you knew that she was sold to Mat Barton a citizen of Texas? A Yes, sir.
Q Did you see her until after she passed to the ownership of Barton?
A Yes, sir, Barton bought her.
Q Took possession of her? A Yes, sir.
Q Wherewas it she sold? A I don't know, I don't know, I might have been present, but I don't remember.
MR. HASTINGS: How far did you live from Barton? A About a mile.
COM'R NEEDLES: Do you know this applicant, Annie? A No, sir; I don't know her.
Q You don't know where she was born? A No, sir.
Q You don't know whether she was a daughter of Amanda or not?
A No, sir.

STEWARD DYCUS, being duly sworn by Commissioner Needles, testified as follows, on the part of the Cherokee Nation:
MR. HASTINGS: What is your name? A Steward Dycus.
Q Where do you live? A I live in Tahlequah now.
Q What is your age? A 38.
Q How long have you been living at Tahlequah? A 12 years.
Q Where did you move from when you moved to Tahlequah?
A Oswego, Kansas.
Q Do you know a colored woman by the name of Annie Elms?
A I do.
Q What was her husband's name? A Dee Elms.
Q Where did you know her? A I knewed her in Kansas, Oswego.
Q Well, about how long ago did you know her?
A I have been knowning her about 17 years.
Q Where did you first know her? A In Oswego, Kansas.
Q Do you know where she married? A Married in Oswego, Kansas.
Q What was her husband doing do you know? A Carried hods for the brick masons most of the time.
Q Where were they in 1880; did you say that long when you lived there 12 years ago? A Yes, sir, it was back February.

Q Was she there when you left in '89? A Yes, sir.
Q She and her husband? A Yes, sir, she took the place when I moved away, she went there and cooked.
Q Q You lived on? A Left them at C. M. Condon's, cooking.
Q Did she have any children? A Yes, sir, she had one.
Q What was its name? A Vergie.
Q Where was she born? A Oswego, Kansas.
MR. SEQUICHIE: How long had you known ~~xxxx applicant~~ Vergie?
A I knowed her from the time she was born until I left.
Q She was born in Oswego? A Yes, sir, it was born right in Oswego, Kansas.
Q Did the applicant, Annie Elms, keep house there? A Yes, sir.
Q Didn't you say just now she was coo ing for C. M/ Condon?
A When I left she was keeping house and when I left my wife went to get her to take her place cooking for C. M. Condons.
Q She was living there when you left? A Yes, sir.
Q How long had she been living there when you left?
A Had been living there ten or 12 years.
COM'R NEEDLES: Where is she living now? A I could not say I left her in Oswego, Kansas, two years ago when I was.
Q You were living there two years ago? A Yes, sir, I was at her home two years ago, last Auguwst.
Q You don't know where she had been living since you say you went to get her to cook for Condon's? A She lived in the east end of town.
Q She wasn't in the Nation? A No, sir.
Q You know then she has been living in Kansas until two years ago?
A Yes, sir, to my knowing she has.

Com'r Needles: This testimony will be filed with the testimony taken in the original application of Annie Elms, Cherokee Freedman card D.#860.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this September 23d, 1901.

C. R. Breckinridge.

Commissioner.

Cherokee Freedmen D 860.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Klms et al., as Cherokee freedmen.

R.O.

D E C I S I O N.

The record in this case shows that on June 26, 1901, Annie Klms appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and minor children Virgie C. and Byron Klms, and for her brothers Willis and Callis Warren as Cherokee freedmen. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 23, 1901.

The evidence shows that all the applicants herein were born since 1866, and are the children and grandchildren of Amanda Warren, who, prior to the commencement of the rebellion, was a slave of a Cherokee citizen; that about the commencement of the rebellion said Amanda Warren was sold to a resident of the State of Texas and was taken outside of the Cherokee Nation. It does not appear that at the commencement of said rebellion said Amanda Warren was a free colored person or the slave of a Cherokee citizen, or that she returned to or was residing in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs the Cherokee Nation et al., for the return of freedmen to said Nation.

Said applicants have only such rights as they may have acquired by virtue of their being descendants of said Amanda Warren. It further appears that the name of none of the applicants herein is found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Annie Klms, Virgie C. Klms and Byron Klms, Willis Warren and Callis Warren should be denied under the provisions of section twentyone of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) [illegible]
Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, I.T.
this [illegible].

Commissioner.

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COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-860.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Annie, Virgie C. and Byron Elms, Willis and Callis Warren as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. D-109.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
D 860

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Annie Elms, her minor children, Virgie C. and Byron Elms, and her brothers, Willis and Gallis Warren, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 30, 1904.

Respectfully,

Chairman.

Cher Fr D 861

Cher Fr D 861

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 25, 1901.

In the matter of the application of Andrew Daniels for the enrollment of himself and nine children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Andrew Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Andrew Daniels.
Q How old are you? A I don't know, about 37 I guess.
Q What is your post office address? A Ramona.
Q Indian Territory? A Yes, sir.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and nine children.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Dora Daniels.
Q Is she a citizen? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes,sir
Q Is it on the roll of 1880? A I think it is, yes sir.
Q What is your father's name? A Burrell Daniels.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Miranda Daniels.
Q Is she living? A Yes, sir.
Q Have you got nine children under age and not married? A Yes,sir.
Q Give me the name of your oldest child? A Willie.
Q How old is he? A I guess he is about 18.
Q The next one? A Lewis.
Q How old is Lewis? A I just can't tell you exactly, there is about a years difference in between them.
Q Then Lewis must be 17? A Yes, sir.
Q The name of the next one? A Susie.
Q Susie then would be 16, would she? A No, sir, there was one between Lewis and Willie, and she is dead.
Q That would make Lewis then 16? A Yes, sir.
Q Then Susie would be 15, if she comes next to Lewis? A Yes, sir, but that is a little too old for her I think.
Q How old is she? A I think she is about 13 or 14.
Q Well, what is the name of the next one? A Thomas.
Q How old is Thomas? A He must be about ten I guess.
Q The next one? A Burley.
Q How old is he? A He must be, I don't know exactly just about how old, about 6 or 7 I think.
Q What is the name of the next one? A Nasie thought is older than Burley.
Q How old is she? A She must be about eight or nine, and then Burley comes in next.
Q Who is after Burley? A Minnie.
Q How old is Minnie? A She must be about 5 I guess.
Q Well, the next one? A Miranda.
Q How old is Miranda? A She is a little over 2 years old I think.
Q What is the next one? A Ruth.
Q How old is Ruth? A She isn't quite a year old yet. I am not on the 1880 roll, I am on the other two rolls.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:
Andrew Daniels on page 181, No. 4446, Cooweescoowee district;
Willie Daniels on page 181, No. 4447, Cooweescoowee district;
Lewis Daniels on page 181, No. 4448, Cooweescoowee district, as Louis Daniels;
Susie Daniels on page 181, No. 4450, Cooweescoowee district;
Thomas Daniels on page 181, No. 4449, Cooweescoowee district, as Tom Daniels;
Essie Daniels on page 181, No. 4451, Cooweescoowee district;
Burley Daniels not on Kern-Clifton roll.
Minnie Daniels on page 181, No. 4452, Cooweescoowee district.

Q What is the matter with Burley; Burley is older than Minnie?
A I don't think he is on the roll though.
Q Why not? A He didn't get on there, they didn't enroll him.
Q Have you got any witnesses here? A My daddy.
Q Has your daddy been enrolled? A Yes, sir.

Burrell Daniels, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A My name is Burrell Daniels.
Q How old are you? A I expect I am nearly 70.
Q Where do you live? A Out west of Talala on Caney River.
Q How long have you been living in the Cherokee Nation? A I have lived in the Cherokee Nation all my life time until I went to Mexico; I have been back, though, ever since Mr. Bushyhead was chief.
Q Ever since Mr. Bushyhead was chief? A Yes, sir.
Q Do you know this applicant here, Andy Daniels, here first on the stand? A He is my son.
Q How old is he? A I don't know exactly, he was born just about a year before the war ended.
Q Where was he born? A He was born down here close to Doaksville in the Choctaw Nation.
Q Were you a slave then? A Yes, sir.
Q Who did you belong to? A I belonged to Robert Daniel, first belonged to Miss Susie Taylor, living in Tahlequah, and she gave me to her daughter.
Q Who was her daughter? A Annie Daniels, deadied in Vinita here time of the Lightening Creek payment.
Q Who was your owner at the time the war commenced? A She was my owner; when the war commenced why she had me with one of her sisters that lives in Tahlequah now, Mrs. Thompson, exchanged me for a boy named Will, I belonged to Mrs. Thompson a while after the war commenced.
Q Well Burrell, about what time, about how long had you been in the Choctaw Nation when this boy Andrew was born? A Well, we had been down there I reckon not quite a year, but I was with the army, backwards and forwards, in the Nation here and then out.
Q He was born in the Choctaw Nation a year after you left the Cherokee Nation? A Yes, sir.
Q Who took you out of the Cherokee Nation? A They put me with Mr. Bryant's outfit.
Q How many children did you have at the time you were in the Choctaw Nation at the time you were in the Choctaw Nation when this boy Andrew was born? A I had Lewis, Abram, Sarah and Tom.
Q Have a wife there then? A Yes, sir.
Q What was her name? A Miranda Daniels.
Q Was she a slave too? A She was the slave of Zeke Daniels.
Q Was he a Cherokee citizen? A Yes, sir, my old boss' brother.
Q Was Joel Bryant a Cherokee? A He was a white man but he had

a Cherokee wife.

Q Well now, from the Choctaw Nation, how did you get into Mexico?

A Mr. Bryant carried a number of us out there, a drove of us.

Q How many big a drove did he have? A I reckon he had, must have had about forty or fifty of us, little and big.

Q Was this boy taken down to Mexico at the time you were? A Yes, sir

Q What other members of your family, if any, were taken down there?

A Taken my oldest son Lewis, and a boy named Abram, a girl, out of the Choctaw Nation, named Sarah, taken Lewis and Abram and this boy was a baby.

Q Well, how long did you stay in Mexico? A I must have stayed there, I was working on a Mexican Ranch about five or six years till they relieved me down there, I stayed on the ranch yonder about five years, and come a merchant from Santa Fe named Mr. Amberg.

Q You were penned down there in Mexico were you? A Yes, sir.

Q How old was this boy Andrew when you returned to the Cherokee Nation? A I reckon it he was about five or six years when I returned back to San Antonio, six or seven.

Q Then how long did it take you to make your way back to the Cherokee Nation after you came to San Antonio? A I was several years on my wife's way, I worked a year or two in San Antonio and then I came up to Fayette County and stayed there.

Q Do you know what year it was when you came back to the Cherokee Nation? A No sir, I guess I could find out at Tahlequah when I came back; when I came back Council was up there and I worked on Arkansas River till Council commenced again.

Q That was when Mr. Bushyhead was Chief? A Yes, sir, and when Council commenced again I went and reported at the General Council

Q About how old then was this boy when you came back to the Cherokee Nation at the time Bushyhead was chief? A I don't know, I can't tell you exactly how old he was, he was a young man I reckon when he came back here.

Q Well, can you tell us about how many years since you came back to the Cherokee Nation, can you count back that way and tell? A It must have been something over twenty years ago.

Q And you say the boy was born after the war commenced? A Yes, sir, he was born just before the war ended.

Q You took him down to the Choctaw Nation? A Yes, sir.

Q He was born down there before the war ended? A Yes, sir, just a year before it ended.

Q And you came back and the boy came back about twenty years ago?

A Yes, sir, I think it must have been twenty years ago, I can find out by going to Tahlequah.

Q What other children did you bring back with you twenty years ago, or whatever time it was? A I brought Robert and Lizzie and one named Mack.

Q What is Lizzie's name now? A She is married, she is named Lizzie Hainen, and one of my daughters died before I got back, and left two grandchildren, and they went by the name of Mary Batton and Lizzie Batton, but one goes by the name of Mary Hill and Lizzie Sharp.

Q They were your children, members of your family, when you brought them back here at the same time you brought Andy? A Yes, sir, when I brought them little children back here they were just little kids, they have grown up here since they came back.

Q Which ones do you mean by these little children? A These were girls that are married now.

Mr. Hastings: Where are they married? A One was married just down here and other side of Stilwell, what place, Tahsa.

Q His wife was Sarah Vallad? A Yes, sir.

Q Where was his first child born? A Born here in the Nation.

Q Willie? A Yes, sir.

Q Willie was born in the Nation? A Yes, sir, born down here on

the Arkansas River at Mrs. Nivens.

Q Had Mr. Bushyhead been re-elected then, been elected the second time as chief, when you came? A I think he was, I think he was I will not be certain.

Q About how long did you stay in Mexico, about how many years?

A I must have stayed in Mexico about six or seven, I worked on a ranch about five or six years.

Q Then after leaving Mexico you came back to Texas? A After leaving Mexico, the Government fetched me back to Texas.

Q You remained in Texas from that time until you came up here?

A Yes, sir, just one place and another on the way as I was coming up here; I traveled as far as I could.

Q That was between six and seven or eight or nine years you remained in Texas after leaving Mexico. Before you reached the Territory, after the war? A Yes, sir, I stayed in Texas in places, I traveled around and then stopped maybe a year or two.

Commissioner: How old was Andy when you brought him back here?

A Andy was I reckon about 14 or 15 years old, he married when he was nothing but a boy.

Q When you brought him back to the Cherokee Nation? A Yes, sir, he married in Texas and he was nothing but a boy.

Q He must have been over 14 years old? A The people down there were talking about having him tack up for that marriage, he was nothing but a boy.

Q Married his present wife? A Yes, sir.

Q How long did he stay in Texas after he married? A He married along in the summer or spring and he came here in the fall.

Q Been here ever since? A Yes, sir.

Q You think he wasn't over 14 or 15 years old? A I don't know he was 15 years old, he was a boy because I know they were trying to get the one that married him took up for marrying him.

Q How old is he now? A I don't know sir exactly how old he is; his age is on them rolls.

Q Who was Andrew's mother? A My wife, what used to belong to the same set of people I belonged to.

Q Did she come back with you? A Yes, sir, she is at home now.

Q You and her come back together? A Yes, sir.

Q Andrew's mother was a slave? A Yes, sir, slave of Zeke Daniels.

Q Was she with you all the time you were emigrating around through Texas and Mexico? A Yes, sir, she was the slave of Zeke Daniels before the war ended she got to be the slave of Mrs. Thompson, at Tahlequah now.

Q Andrew is your oldest child? A Yes, sir, I have one named Tom.

Q Older than Andrew? A Yes, sir.

Q Where was Tom born? A Tom was born here in the Cherokee Nation on Grand River east of Vinita, before the war.

Q Is he living? A Yes, sir, he is here in the Nation.

Mr. Smith: Did I ask you, Burrell, when you testified in your own behalf why you didn't come back to the Cherokee Nation sooner when they left you at San Antonio? A Yes, sir.

Andrew Daniels, recalled, testified:

Commissioner: Are all the children for whom you apply living at home? A Yes, sir.

Were all of them born in the Cherokee Nation? A No, not all of them.

Where was Willie born? A He was born in the Cherokee Nation.

Where was Lewis born? A I think I was working away in the Creek Nation.

Q Did you live in the Creek Nation? A A while I did.
Q I thought you said you had lived in the Cherokee Nation continuously all the time? A Well, I have been.
Q Well you couldn't have been living in the Cherokee Nation and the Creek Nation at the same time? A A good while ago I used to live there.
Q How long did you live in the Creek Nation? A Several years, working around there.
Q Where was Susie born? A She was born in the Creek Nation.
Q Where was Thomas born? A I think he was born in Canadian if I am not mi-taken, Cherokee Nation.
Q Canadian district? A Yes, sir.
Q Where was Burley born? A I disremember now exactly where he was born.
Q In the Cherokee Nation or the Creek Nation? A I think I was living in the Creek Nation at that time.
Q Where was Hattie born? A She was born in the Cherokee Nation; I disremember, I am not sure of it enough.
Q Minnie, your five year old child? A Canadian I think.
Q Where was Miranda? A Born here on Caney.
Q In the Cherokee Nation? A Yes, sir.
Q And Ruth? A Yes, sir.
Q Well you appear to have lived in the Creek Nation a good deal.
A A while when I first came to the country.
Q What part of the country? A Right on the line about Muskogee, I worked through there.
Q Worked over about Muskogee? A Yes, sir.
Q These children, that is where they were born, over about Muskogee? A Some of them were.
Q Where were the others that were born in the Creek Nation born?
A There along on the line of the Cherokee Nation and the Creek.
Q Kinder along backwards and forwards? A Yes, sir, worked around in there a while.
Q They are all the children of Dora, your wife? A Yes, sir.
Q What proof have you got of your marriage to Dora? A I haven't got any unless I send off after it.
Q Married in the State of Texas? A Yes, sir.
Q Got a license there? A Yes, sir, at LaGrange County.
Commissioner: Well, you will have to send a certified copy of your license from the record there.
Mr. Hastings: How long did you live there after you married?
A I married along in the spring and came out that fall.
Q You know what fall you got here? A No, sir, not exactly.
Q What is your best judgment about when you got here.
A I never paid the strictest attention to it, I can't tell you just what fall it was.
Q You made a crop there after you married, came back in the fall after that? A Yes, sir.
Commissioner: You know how old you were when you came? A No, sir, I don't.
Q Did you ever vote in the State of Texas? A No, sir.
Q Ever vote in the Cherokee Nation? A Yes, sir.
Q How long after you came back before you ever voted in the Cherokee Nation? A It wasn't very long. I voted several times in Canadian and I voted once or twice up here.

Commissioner: Andrew Daniels applies for the enrollment of himself and nine children, as enumerated in the testimony. He cannot be identified upon the authenticated roll [illegible] or the census roll of 1896, but he and his children, with the exception of Burley and Minnie and Ruth, are identified upon the Dora children roll. He proves that he is the same [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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Acting Commissioner

Burrell Daniels, who is listed for enrollment upon rejected card No. R-40, and the testimony taken in the case of the said Burrell Daniels will be made part of the record in the case at bar, and a copy thereof filed herewith. He makes satisfactory proof as to his residence, and avers that he was married to his wife Dora in the State of Texas. She is a non citizen.

He makes no proof of marriage. It will be necessary for him to file with this Commission satisfactory proof of his marriage, or a certified copy of the records from the State of Texas. The testimony [illegible] his father did not return to the Cherokee Nation until [illegible] twenty years ago, and that he brought with him the [illegible] his child, at that time. The testimony shows that the said Andrew was born in the Cherokee Nation during the war, the applicant's father, Burrell, at that time having been taken out of the Cherokee Nation. Because of the fact that the applicant was a minor, born after his father and mother were taken out of the Cherokee Nation, and before they lost their rights as a Cherokee Freedman, and the weight of the testimony showing that he was a minor when he returned, the applicant, Andrew Daniels, and his children as enumerated herein, will be listed as a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the action of the Commission in the premises. The only doubtful question in the mind of the Commission is as to the rights that the said Andrew Daniels has by reason of him being a minor at the time that he was taken from the Indian Territory, and a minor when he returned, the evidence showing that his father and mother were slaves in the Cherokee Nation before the Civil war.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of July, 1902.

Commissioner.

Supplement; Cherokee Freedmen R-601.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Andrew Daniels et al. for enrollment as Cherokee Freedmen.

Supplemental testimony.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Burrell Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Burrell Daniels.

Q Are you the father of Andrew Daniels, who applied yesterday to be listed for enrollment? A Yes, sir.

Q You were a slave, were you? A Yes, sir.

Q Who did you belong to? A I belonged to Bob Daniels.

Q Were you taken out of the Cherokee Nation during the war? A I was taken out after the war ended.

Q Who by? A By Joel Bryant.

Q What right had he to take you; was he your owner? A When the war was coming on we were put with him to keep out of the way of the northern people and he carried us down here in the Choctaw Nation near Doaksville, with all the families.

Q Whose family? A All the families, their families and colored families; and when the war ended, before he turned the darkies loose he took a drove of them and went to Mexico.

Q Took you among them? A Yes, sir.

Q Where from? A South from the Choctaw Nation.

Q Your family was in the Choctaw Nation at that time, were you? A Yes, sir.

Q Was there where Andrew was born? A Andrew was born in the Choctaw Nation near Simpson Folsom's.

Q That near Doaksville? A Yes, sir.

Q Did he take Andrew? A Yes, sir, he was just a baby.

Q Take your wife? A Yes, sir, all the whole family.

Q How old was Andrew then? A Andrew I think was something over a year old, pretty near a year old; they made a crop there and stayed ah there all one winter and one season.

Q How did your wife and Andrew happen to be in the Choctaw Nation? A My wife and Andrew, he had the whole family, my family and half a dozen others.

Q How did he happen to be there? A He took us down there.

Q Who? A Mr. Bryant.

Q Took you from the Cherokee Nation into the Choctaw Nation? A Yes, sir, first to Fort Smith and from Fort Smith to Van Buren and then to the Choctaw Nation.

Q There is where Andrew was born? A He stayed there one winter and made a crop that fall, made a crop, and along in coming December I suppose he moved us all over to Texas.

Q Was that after the war? A Yes, sir, everybody was going home, peace was declared.

Q Didn't you know you were free then? A Yes, sir, he had his battalion outfit with him.

Q Was he a soldier? A He had the soldiers with him.

Q Was Bryant a Confederate or a Unionist? A He was a Confederate.

Q Was he an officer? A He was a colonel.

Q And he took you along when he took his soldiers he took you along? A Yes, sir.

Q Did you try to get away from him? A No, sir, he didn't let me.

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anything, just told us he had to go with him and said we would come back when everything got quiet.

Q I understand Andrew was born in the Cherokee Nation? A No, sir, he was born in the Choctaw Nation.

Q After this man took you down there? A Yes, sir.

Q And took your wife there? A Yes, sir.

Mr. Smith: At the time Andrew was born and the time you speak of being in the Choctaw Nation and going over into Texas to cut wheat, the war wasn't ended then was it? A No, sir, it wasn't ended then.

Q That was while the war was going on? A Yes, sir; when the war ended why he moved us from Mr. Sampson Fulson's to a place below Doakville, between Doakville and old Mr. Jones' farm.

Commissioner: You stayed at Sampson Fulson's until the war ended? A Yes, sir.

Q He took you there before the war ended? A Yes, sir.

Q He had the families all there, and there is where Andrew was born? A Yes, sir.

Q Then Andrew was taken on down into Texas? A Yes, carried down into Texas, went down to Waco, from Waco to Austin, and met some people and they said the Yankee army was in Austin, and he took us then across the plains.

Q And there Andrew stayed until he was married? A Yes, sir; he took us to Mexico.

Q Took Andrew to Mexico? A Yes, sir, and he married the same year I was working our way back.

Q He married in Texas? A Yes, sir.

Q And after he married he came back to the Nation? A Yes, sir.

Mr. Hastings: You stayed six or seven years in Mexico? A Yes, sir.

Q That was six years or seven years after the war? A Yes, sir

Q Then you came back here you saw after Mr. Bushyhead was elected chief the second time; that was after '83? A I came back from Mexico to San Antonio and worked there a while and I moved from there and came to Fayette County and worked there a while.

Mr. Hastings: Mr. Smith, can we agree that Mr. Bushyhead was elected chief the second time beginning the first Monday in November, 1883; that is a historical fact?

Mr. Smith: Yes, I will agree to that.

Mr. Hastings: You lived five or six years in Mexico? A Yes, sir.

Q And the rest of the time you were working your way back here? A Yes, sir.

Commissioner: What did you stay so long in Mexico for? A He taken us to Mexico and penned us.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 8th day of July, 1921.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES,
RECEIVED
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Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicant:

Appearances:

Mellette & Smith, attorneys for applicants;
W. V. Hastings, of counsel for Cherokee Nation.

GEORGE G. BUTLER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mellette: First state your name and residence? A George G. Butler, Tahlequah, Cherokee Nation.

Q What is your age, Mr. Butler? A 38.

Q Are you a Cherokee Indian by blood, a recognized citizen of the Cherokee Nation? A Yes, sir, Cherokee by blood, recognized.

Q Do you know the applicant, Burrell Daniels? A Yes, sir.

Q How long have you known him? A I have known him for about 25 years, or 20; call 25 years I guess, since 1876; that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A Yes, second time of his election.

Q I want to correct you; he was inaugurated in 1875, and the next year would be 1876. A Well 1876 then.

Mr. Mellette: Where did you see Burrell Daniels first? A I saw him in Tahlequah.

Q About what year was that? A That was in 1876, in November, during the Council.

Q What was he doing there at that time? A He came there to be recommitted to citizenship, to see about his rights he said.

Q Do you know if he presented an application to council for readmission? A Yes, sir, I wrote it out, had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: There comes in a matter of record; I am going to object to further examination along that line.

Commissioner: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Mellette will insist on going on.

Mr. Mellette: I think the fact of his filing his application is competent; I don't care to go on.

Q Did you know Burrell Daniels before he left the Indian Territory at the beginning of the war? A No, sir, I didn't know him, I was too young then.

Commissioner: This testimony will be filed in the following cases: D-40, D-881, D-916, D-917, and D-941.

Ernest G. Vonder, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 20th day of September, 1901.

Notary Public.

To be filed with F-D-861-Andrew Daniels, et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. May 17, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-40.

APPEARANCES:
Mellette, Smith & Cravens, for applicant.
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purportes to be a true and correct copy of so much of the Wallace roll made by J. W. Wallace as shows the enrollment of Andrew Daniels and family as Cherokee Freedman and as beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as shows the enrollment of Burrell Daniels and family as Cherokee Freedmen and beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1889, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Luster Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmett are alive and have testified before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, R-40 the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette Smith & Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the same is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 6th day of June, 1902.

(Signed) F. S. Reuter,
Notary Public.

(SEAL)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
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ACTING CHAIRMAN

I, the undersigned, being duly sworn, as stenographer to the Commission to the Five Civilized Tribes, do hereby swear that the above and foregoing is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 7th day of August, 1906.

N. P.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Andy Daniels, D 861,

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named, with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony [illegible] was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

F G Reuter
Notary Public.

Cher Fr D 862

Cher Fr D 862

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Bunk Coker for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Bunk Coker, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Bunk Coker.
Q How old are you? A 38 years old.
Q What is your post office? A Hayden postoffice, Lightening Creek.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A I am on the Wallace roll and the Kern-Clifton roll.
Q Who do you want to enroll besides yourself? A Just myself.
Q Were you born a slave? A Yes, sir.
Q Where were you living at the time the war commenced, the Civil War? A Living over here at Goody's Bluff.
Q In the Cherokee Nation? A Yes, sir.
Q To whom did you belong? A John Coker.
Q Was John Coker a Cherokee Indian? A No, sir, a white man.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q What was his wife's name? A His wife's name was Annie Ratliff.
Q Was she a Cherokee indian? A Yes, sir.
Q Were they recognized citizens of the Cherokee Nation? A Yes, sir.
Q Were you taken away from the Cherokee Nation during the war?
A Yes, sir.
Q What witnesses have you? A Lewis Wright and Harry Still.
Q Where were you taken to? A Taken to Arkansas.
Q Who took you? A John Coker.
Q When did you return to the Cherokee Nation then after the war?
A I returned in '66, fall of '66.
Q What time in the year of '66? A It was in the fall.
Q In the fall of '66? A Yes, sir.
Q Where did you come to? A Came to Goodys Bluff.
Q Who came with you? A Dick Carter and John Brown and Akins, an man named Akins.
Q Well now where did you first stay when you came in the Cherokee Nation; were you a married man at that time or single? A No, sir, single man.
Q Who did you live with? A I lived with John Coker till '68 before I left there, he held me a slave till '68.
Q When did John Coker come back to the Cherokee Nation?
A He came back in '66 to the Cherokee Nation.
Q Did he come before you, or you came back with him? A I came back with him.
Q Who were these other people you were talking about a while ago as having come back with you? A I said I came back with Dick Carter and John Brown.
Q Who were they, colored people? A No, sir, Cherokees.
Q Did you come back with them or did you come back with Coker, or all come back together? A All came back together I meant to say.
Q What place did you come to? A Goody's Bluff.
Q Whose farm? A John Coker's farm.
Q How long did you live there at that place that you came to?
A Stayed there till '68.
Q Then were did you go? A Went to Missouri and stayed two years.
Q Where did you marry? A I haven't married at all.
Q Never have married? A No, sir.
Q

Q Well, you say you went to Missouri and stayed two years; where did you go then? A Came on Big Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Where do you live now? A On Possum Creek.
Q Where is Possum Creek? A Up here near Coffeyville, five miles.
Q In Kansas? A No, sir, in the Territory.
Q In the Cherokee Nation? A Yes, sir.
Q How long have you lived at the place where you now life? A I stayed there about two years, but I stayed with my uncle, Ed Derrick, on Lightening Creek, most of the time before I went there.
Q You say you lived here about two years after you came back in '68 before you went to Missouri? A I lived here till '68.
Q And then you went to Missouri? A Yes, sir.
Q And then you came back here? A Yes, sir.
Q Where have you lived since that time? A Big Creek, in the Territory ever since.
Q What Nation? A Cherokee Nation.
Q Have you ever been enrolled by the Cherokees? A No, sir, I have never been enrolled.
Q Are you on the Wallace roll? A Yes, sir.
Q On the Kern-Clifton roll? A Yes, sir; I think it is Bunk on the Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kern-Clifton roll examined and the applicant identified thereon, page 101, No. 2535, Goweseecowee district.
The Wallace roll examined and the applicant identified thereon page 107, No. 2291, Goweseecowee district, as Bunke Cocoa.

Mr. Smith: Did you draw money on these rolls? A Yes, sir.
Q Did you ever vote in the Cherokee Nation? A Yes, sir.
Q Ever had any law suits in the Cherokee Courts? A No, sir.
Mr. J. S. Davenport, Cherokee Attorney: What is your real name anyhow? A My real name; Bunk is a nick name.
Q What is your real name? A My real name is John Rafferty, but I have always been called Bunk, and I went on the roll Bunk.
Commissioner: Nobody asked you how you went on the roll; the question to you was, what is your right name? A John Rafferty is my right name.
Mr. Davenport: Did you ever go by the name of James Doe Martin? A No, sir.
Q How did they first begin to call you Bunk? A Old John called me Bunk from a boy.
Q Where were you born? A Arkansas
Q What place in Arkansas? A On Sugar Loaf Prairie.
Q That in Carroll County? A I don't know what county, I can recollect Sugar Loaf Prairie.
Q Do you recollect the nearest town to you? A No, sir.
Q Where were you living when the war began? A On Goody's place.
Q With whom? A John Coker.
Q Was John Coker Cal Coker's father? A Yes, sir.
Q Was Cal Coker there when you came back after the war? A He came back with us.
Q Who else came back with you? A Dick Carter and John Brown and a man named Akins.
Q That is the Brown they used to call Cusky Brown for a nickname? A Yes, sir.
Q You remember when you came to the Cherokee Nation before the war? A No, I don't recollect, I was quite a small boy, me and my sister,

Q Were you ever in the Cherokee Nation to live before the war broke out? A Yes, sir, I lived down here at John Coker's.
Q Did John Coker or your former owner ever bring you to the Cherokee Nation or did you ever lived in the Cherokee Nation before the war?
A Yes, sir.
Q When you went away from the Cherokee Nation, where did you go?
A Went to Arkansas.
Q Back in where you were born? A Raised up in there, some ten or fifteen miles.
Q You didn't go to the Chickasaw Nation? A Yes, sir, went there and stayed a year and then went to Arkansas.
Q How long did you stay in Arkansas when you came down there? A I don't remember.
Q When did you leave Arkansas? A Left Arkansas in the year '65, and came to little Canadian in the Choctaw Nation and made a crop there.
Q Was Cal Coker with you then? A Yes, sir.
Q Where was John Coker, his father? A Yes, sir, he was with us.
Q Q John Brown with you also? A Yes, sir.
Q When you left there where did y u go? A Came to Goody's Bluff in the fall of '66.
Q Came back to the old home place? A Yes, sir.
Q What time did you get there? A In the fall.
Q About what what was that? A That was in '66.
Q Where did you go from there? A I stayed there till '68.
Q How long did you stay there? A Till '68.
Q Then you went where? A To Missouri, and stayed two years.
Q Where did you go then? A Came back to Big Creek to old Peter Meigs.
Q How far is that from the Coker place? A Something about 16 or 17 miles.
Q Did you see Cal Coker and John Brown after you came back, when you came back from Missouri? A Yes, sir, they were here then
Q Did you ever know of the Cokers owning a slave that had a real name they called Bunk Coker? A I am the one I am talking of now.
Q Didn't they have one that is dead that they called Bunk Coker?
A No, sir.
Q You are positive of that fact? A I am positive of that fact, they only had me and my sister, John Coker did, that is all the negroes there was of the Cokers.
Mr. Hastings: You were here at Goody's Bluff before the war?
A Yes, sir, I was there with John Coker's wife, that is the way us negroes came to John Cokers.
Q How long had you been living there? A I don't know, I was quite a small boy.
Q About how long had you been there when the war came up? A I can't say.
Q Was you been there as much as a year? A Yes, I was there more than a year ~~that~~ I know about all the people that lived around us; I used to play marbles with Cusky Brown before the war.
Commissioner: You say you have never been married? A No, sir.
Mr. Smith: Who did you say was a witness for you before the Williams Court? A Cal Coker and John Brown, they called him Cusky Brown.
Q Did you have any other witnesses but them? A No, sir, just had them two.
Mr. Hastings: Did you introduce Calvin Coker in your own behalf before the Kane-Clifton Commission? A I did for a fact; you called him in.

Harry Still, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Harry Still.
Q How old are you? A 54.
Q What is your post office? A Hayden.
Q How long have you lived in the Cherokee Nation? A About 35 years.
Q Where were you born? A Born in Going Snake district.
Q How old are you? A 54 years old.
Q Where did you live the rest of the 54 years? A I lived in Going Snake and different places, I saw I have lived here on Lightening Creek since '88.
Q You have lived on Lightening Creek then how long, 35 years?
Q Been there since '88.
Q How long ha ve you known Bunk Coker? Know him before the war or since? A Knowed him since the war.
Q Do you know whether he was a slave or not or your own knowledge?
A I think he was, looked like a slave man to me.
Q Did you know him before the war? A No, sir.
Q When did you first see him after the war? A Seen him at John Coker's in the winter of '88.
Q Where was John Coker living at that time? A Living down in the bottom on the slough there on the Verdigris there.
Q When was that; how far about was that from where Nowata is now?
A It must be four or five or six miles, I guess farther than that, about three or four miles from Goodys Bluff.
Q Where does he live now? A Well Bunk, he works sometimes for Moss and sometimes for Ed and lives one place and another.
Q Moss who? A Moss Whitmire and Ed Derrick, and Aunt Lila Ratliff, different places, just wherever he can work.
Q What kind of work does he do? A He has got no trade, just ordinary work.
Q As a farmer? A Yes, sir.
Q These people whose names you have mentioned here, where do they live; the people you said he worked for? A Why they live on Lightening Creek.
Q In that over in the Cherokee Nation? A Yes, sir.
Mr. Hastings: Where; designate more specifically just where John Coker lived in '88? A Not far from where Gal lives now.
Q About how far from where Gal lives now? A I don't think more than a mile, maybe not that far.
Q What direction? A Why I think it is a little northeast of where Gal lives.
Q How far is that from Goody's Bluff? A Two or three miles.
Q What direction? A South.

Bunk Coker, recalled, testified as follows:

Mr. Hastings: Where did John Coker locate when he first came back here in '88? A Located at Goody's Bluff.
Q How far from Goodys Bluff? A Something pretty near three miles.
Q What direction from Goodys Bluff? A Right south of Goodys Bluff.
Q Who owns the place now where Coker located when he first came back in '88? A Jim Coker.
Q Is that his son? A No, sir.
Q What relation, if any? A I think he is a second cousin of John, I am not certain; John had a brother Bunge.
Q Jim Coker is living on that place now that John Coker located on in '88? A Yes, sir.
Q Is he living where the houses were? A I suppose he is, I haven't been there in a good while, not since the Cliften sell; I went to Gal Coker's then.
Q Did you know a man in Missouri named Mitchell George? A Yes, sir.

Q When did Dick Carter come to Goodys Bluff? A He came after he came.
Q How long? A A couple of weeks afterwards.
Q I thought you said you came back with him? A Came back with him to the little Canadian I meant to say; I came back with John Brown to Goodys Bluff.

Lewis Whitmire, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Lewis Whitmire.
Q How old are you? A 62 years old.
Q Where do you live? A Live on Lightening Creek.
Q What is your postoffice? A Hayden.
Q How long have you lived in the Cherokee Nation? A I never have been out of the Nation, born and growed here, only just a little while at a time.
Q Do you know this applicant, Bunk Coker? A Yes, sir, I have knowed him a good long while.
Q Did you know him before the war, or not until afterwards? ~~I didn't know him until after the war.~~
Q Where did you first see him in the Cherokee Nation after the war? A It was the fall of '66 when I first seed him.
Q At what place? A He was living with his master on the Verdigris down below Goody's Bluff.
Q What was his name? A John Coker.
Q Did you see him more than once, or just the one time? A I seed him lots of times after I first seed him, because I was camped right close to him, where he was working.
Mr. Hastings: How old are you, Lewis? A Why I am 62 years old as near as I can give it.
Q Were you grown when you returned to the Cherokee Nation after the war? A Yes, sir, I was grown.
Q Where did you camp? A Camped over here by the Bluff, where Aaron lives.
Q How far from where John Coker lived? A About three miles I guess east.
Q Where did John Coker live at that time? A Right back on the edge of the bottom in some log houses.
Q How far from Goody's Bluff and what direction? A Right south of Goodys Bluff, near three miles I guess it is, just guessing.
Q What time in the year was that? A Why it was either October or November when I was at Mr. Cokers and saw this man.
Q That when you first came down there? A Yes, sir; I had been down there before I saw him, but I had moved there and was camped in the bottom at that time.
Q Do you know whether that was the first place John Coker came to after he came back? A No, sir; I don't know where he came to when he first came back.
Q You know who lives on that place now? A I don't know who is living on the first place where he was living.
Q Where you saw him? A I don't know who is living at the place where I saw him.
Q Who owns it? A I don't know, Cal owns the home premises but he don't live at the old place.
Q How far do you live from that place now? A I live about six miles east.
Q And you don't know who lives on it or who owns it? A No, sir, they have fenced all that country into a farm and them old houses is out back on the west side and the road I traveled came from here and Goody's Bluff is on the east side of the farm; there is no travel-

COMMISSION TO THE FIVE CIVILIZED
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ing through the place where Coker lived when I first got acquainted with him.

Q They were new houses? A They were old log houses.

Q Been built before the war? A I can't tell, they looked like it, I know they were not new houses.

Q Had you ever been there before the war? A No, sir, I never had been there until that time.

Bunk Coker, recalled, testified:

Mr. Hastings: Had you been to this place before the war?

A Yes, sir.

Q Did Coker live there before the war? A Yes, sir, he lived there before the war.

Q And that is the same place he lived before the war that he returned to? A Yes, sir.

Q And about how far from Goodys Bluff do you say that was? A About three miles.

Q On Verdigris River? A Yes, sir, I think it is Verdigris.

Q On what side? A It is in the bottom, on the east side.

Mr. Smith: How old did you state you were? A 55.

Q And how much older did you say you were than Cal Coker? A About twelve years older from what he says, he told me himself.

Q If you were always called Bunk Coker, where did you get the name of John Raferty? A That was the given name, the John Raferty.

Q Who gave it to you? A The ~~Cokers~~ gave me that, but they always called me Bunk.

Q Who called you Bunk? A The Cokers did all the time, that is the reason I answered the question you asked me, because I know Cal told you.

Commissioner: If you would get a deed to some land, how would you give the name to have it made to? A I would give it Bunk Coker.

Commissioner: Bunk Coker applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is duly identified upon the Kern-Clifton roll. He makes satisfactory proof of his residence, but by reason of the fact that he is not on the roll of 1880, and the further fact of the protest of the Cherokee Nation, he will now be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified by mail of the action of the Commission in the premises.

****

Lewis Whitmire, recalled, testified as follows:

Mr. Hastings: Was that the first time you had seen John Coker back there? A Yes, sir, that was the first time.

Q That was when you were living in the Nation and you had camped there near that place? A Yes, sir.

Q You hasn't seen him before the war? A As soon as I went to riding about I came to the houses down there.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of July, 1907.

R Breckinridge.

Commissioner.

F2862

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this..... day.....A. D. 1901.

.....

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of SEP 18 1901, 1901.

Mellette Smith

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the.....day of.....A.D.1901

.....

Subscribed and sworn to before me this.....day of.....A.D.1901.

.....

9/18 filed

NOTICE!

IN THE MATTER OF The application of Bunk Coker for enrollment as a Cherokee Freedman:

Case No. F. D. 862

To Bunk Coker or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 23d at 8 o'clock A. M, A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept., 1901.

R. B. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October8, 1901.

In the matter of the application of Bunk Coker for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A John B. Brown.
Q Where do you live, Mr. Brown? A I live in the Chickasaw Nation.
Q Are you a Cherokee Indian? A Yes, sir.
Q How do you happen to live in the Chickasaw Nation? A I married a Chickasaw.
Q Do you know Bunk Coker, the applicant for enrollment here?
A Yes, sir.
Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir, I think I do.
Q When? A He came in the fall of '65, came from south with me, we came back together to the Canadian river.
Q You came with him you say? A Yes, we came back together, he was along in the bunch and we all came back after the war was ended.
Q Who else came in that crowd? A My father's people and Coker himself and I don't remember who all hardly.
Q Where did Bunk live after he came back here? A Well he stayed I reckon along about next year I suppose with Coker, I saw him the next year after we came back, we came back in that fall and the next year he came to our house.
Q Where did you,live? A We lived down here on Grand River at what was called the old Adair place.
Q Where did you find him during the war? A I never knew anything about him till during the war he was down there on Blue in the Choctaw Nation.
Q Who was he with down there? A He was with John Coker.
Q At what place was that? A That was in the Choctaw Nation.
Q There was where you got with him during the war? A Yes, sir.
Mr. Hastings: You never saw him before the war? A I haven't any recollection of it.
Q Who of John Coker's family was along when you returned? A Well Cal was along.
Q That is Calvin living out here at Goodys Bluff? A Yes, sir.
Q He was right along, was he? A Yes, sir.
Q He was down there with his father when you first saw Bunk?
A Yes, sir.
Q Where did you first stop, Mr. Brown, when you came up, where did you locate? A Well, we stopped at Webbers Falls, or right close to Webbers Falls on the Dirty I believe.
Q Where did Coker stop? A I left him on the Canadian, south of there.
Q Do you know when Coker came up on Goodys Bluff? A No, sir. Next year I met him here at Pryor Creek.
Q Was Bunk here then? A He was here along at the time, for I met him here shortly after that.
Q Have you seen Bunk Coker since you have been here? A Yes, sir.
Q And this is the same fellow? A Yes, sir.
Mr. Mellette: You spoke of leaving Coker on Canadian; you mean Bunk Coker, the applicant? A I mean there is where we left Coker; Bunk was a teamster and I drove a team.
Q You left Bunk Coker and all the negroes up on Canadian? A Yes,sir.
Q That is Canadian district, is it? A Yes, sir.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of October, 1901.

Commissioner.

F. D. 862

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.... day of ...., 190.....

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the..... ....day of .... A. D. 190....

.....

Subscribed and sworn to before me this ....

.....

Notary Public.

Proof of Service made and original filed with the DAWES COMMISSION.

FEB 15 1902

NOTICE!

IN THE MATTER OF the application of Bunk Coker for enrollment as Cherokee Freedmen:

Case No. F. D. 802

To Bunk Coker. M & S

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Hunk Coker for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-283.

APPEARANCES:
Lewis T. Brown, representing Mellette & Smith, in behalf of applicant.
W. W. Hastings in behalf of Cherokee Nation.

COMMISSION: The representative of the Cherokee Nation makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would on the 21st day of May, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Hunk Coker to enrollment as a Cherokee Freedman. The applicant this day appears by Lewis T. Brown, representing Mellette & Smith.

WILLIAM C. ROGERS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A William Rogers, W. C. Rogers.
Q What is your postoffice, Mr. Rogers? A Skintook, Indian Territory.
Q You a Cherokee by blood? A Supposed to be.
Q Do you know Calvin Coker? A Yes, sir, very well.
Q Do you know his father, John Coker? A Yes, sir.
Q Did you know John Coker before the war? A Knowed him all my life.
Q Was this family any relation to you? A John Coker was a first cousin of mine.
Q Where did John Coker live before the war? A He lived on the Verdigris south of Goody's Knurr, well it's about a mile west of where we lived at the old Maddin Thompson place on the Slough, what's called the little island it used to be.
Q Did you ever have any occasion to be at his place before the war? A Well previous to the war we lived right there neighbors and after we moved away we used to go back there and attend school and board there at his house.
Q Were you about his place much in '60? A I was up till November of '60.
Q And do you know if John Coker had any slaves? A He didn't at that time.
Q None at all? A No, sir.
Q I will ask you John Coker's financial condition at that time; whether or not he was able to buy a slave? A I wouldn't have thought so, sir.
MR. BROWN: I object to that answer.
COMMISSION: Objection will be noted.
MR. HASTINGS: Well what was his financial condition? A Well he had a little place there I suppose he had ten or twelve acres in cultivation and a little log cabin that he lived in; two log cabins, one that they cooked in and one that they lived in.
Q He had no slaves? A He had no slaves that I saw and he had but very little stock of any kind.
Q You stayed there, boarded at his place in 1860? A Yes, sir, some time and again, went to school there.
MR. BROWN: Where did John Coker live in 1860? A John Coker lived on the Verdigris River near Goody's Knurr about three miles south.

Q Was he out of the Cherokee Nation during the war? A Yes, sir.
Q Do you know when he returned? A I do not.
Q When did you see him for the first time after the war? A I saw him in along in about '66, '67, well I wouldn't be positive about it, I think it was '66.
Q Where was John Osher February 11, 1907? A February 11, 1907?
Q Yes, sir. A Well the winter of '06, I wouldn't say whether he was either there in the early part of the winter of '06 or I mean the latter part of '06 or the early part of '07, on the Kiamichi River Mills mill.
Q Well I am asking about the month of February, '07, Mr. Rogers?
A Well I wouldn't say positive about it.
Q You don't know where he was then? A No, I don't.
Q You don't know whether he owned any slaves at that time, do you?
A No, I don't, because he wasn't there.
MR. MARTINEZ: Where is the Kiamichi you are talking about? A Choctaw Nation.
MR. BROWN: Was you at the Kiamichi yourself? A Yes, sir, lived right by him.
Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.
Q John Osher was also? A Yes, sir.
Q Where was this fellow Buck Osher living when you first became acquainted with him? A Right there on the Kiamichi.
Q With whom? A He was living with John Osher.
MR. MARTINEZ: Where did Buck Osher come from? A Well I couldn't tell you that; Osher told me occasionally.
MR. BROWN: Wait a minute.
COMMISSIONER: Do you know of your own knowledge, Mr. Rogers, where he came from? A No, sir.
MR. MARTINEZ: Well now then where did he come from? A He came from White River, Arkansas.
MR. BROWN: Now, if the Commission please, that's not proper testimony.
MR. MARTINEZ: Well now just go ahead and tell all you know about this man.
MR. BROWN: To which we object for the reason that any statement that John Osher might have made cannot affect this applicant.
COMMISSIONER: Objection will be noted; answer the question, Mr. Rogers.
Witness: Why John Osher told me that the colored man belonged to some of his folks, he didn't say which one of them at all, but he says he belonged to his folks and he taken him there from being taken away from him.
Q Well now where did his folks, about whom he was referring, live?
A They lived, my understanding was that they lived in White River, Arkansas.
Q Well they didn't live up here with him? A No, sir.
Q Do you know that he went from the Cherokee Nation to Arkansas by the way of Arkansas or Texas? A No, I don't know that of my own knowledge.
Q Well how do you know it, from family history? A I do from the records, that's all.
Q Well do you know it from Mr. John Osher himself? A No, sir.
MR. BROWN: Objected to for the reason that it is purely hearsay.
MR. MARTINEZ: And he said that his folks took him off down there?
A Yes, sir.
Q That he wasn't his slave? A He didn't belong to him.
Q That he didn't belong to him? A Yes, sir.
Q That he didn't claim to own any slaves there? A Well he claimed-
MR. BROWN: Question objected to as hearsay.
COMMISSIONER: Answer the question, Mr. Rogers.
A He claimed, just as I told you, that he had him for his father to keep him from being taken away from him.

Q You never saw Bunk Coker in the Cherokee Nation before the war? A No, sir, nor since the war that I know of.
Q What became of Bunk Coker down there? A Well I couldn't tell you; we left there and left them there. When they left the south there they lived only about two hundred yards apart, and they were still there when I left. I didn't see them them after that till about '88, first time I saw them after we left that country.
Q Did you leave Coker's? A They were there when I left there in '66.

MR. BROWN: Did you know Bunk Coker's sister? A Yes, sir, very well.
Q Well John Coker lived in your neighborhood right after the war didn't he? A No, sir, he didn't.
Q Live on the Verdigris? A Lived on the Verdigris, on the same old place.
Q Well Bunk Coker and his sister was with John Coker, wasn't they? A They might have been there previous; sister stayed there as long as I know; I don't know how many of them; I went away up there up to '72, seen John Coker.
Q You know too that John Coker held them as slaves up until '65? A They couldn't have held them, he was some of John Coker's folks that owned him.
Q You say that John Coker told you that the applicant belonged to his folks? A He said that he belonged to some of his folks.
Q Did he tell what his folks' name was? A Well of course he had some few, and he had a father there by the name of Coker.
Q Well what were they, white people, Indians, or what? A Yes, sir, they was considered.
Q What? A Whites.
Q When was it you say that you saw John Coker down here at the River? A He was there either in the fall or winter of '63 or in '64.
Q Bunk was with him then? A Yes, sir.

Arthur G. Cronniger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Cronniger

Subscribed and sworn to before me this 25th day of June, 1903.

P. P. Porter
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Book Cohen, D 880,

863

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he has been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

~~In the case of Moses Whitmire, trustee, vs Cherokee Nation,~~ on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this parmission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 862.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Bunk Coker for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 25, 1901, Bunk Coker appeared before the Commission at Nowata, Indian Territory, and made application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 8, 1901 and at Muskogee, Indian Territory, May 21, 1902.

The evidence shows that the applicant, Bunk Coker, was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during the rebellion but returned thereto prior to January 19, 1867.

The evidence further shows that about 1868 the said Bunk Coker went to Missouri, but returned about 1870 to the Cherokee Nation, where he has since resided up to and including the date of his application herein.

It is, therefore, the opinion of this Commission that the said Bunk Coker should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

T. B. J.
Commissioner.

C. R. Breckinridge
Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JAN 2 1904

1089

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-862.

Muskogee, Indian Territory, January 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, granting the application of Bunk Coker for the enrollment of himself as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. E-7.

Cher Fr D 863

Cher Fr D 863

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 23, 1902.

In the matter of the application of Alfred Bell for the enrollment of himself and six children as Cherokee freedmen.

Appearances:
Rollette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Alfred Bell, being duly sworn and examined by Commissioner Breckons, testified as follows:

Q What is your name? A Alfred Bell.
Q How old are you? A 36.
Q What is your post office address? A Eufaula.
Q What district do you live in? A [illegible].
Q You apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Your name on any of the rolls of the Cherokee Nation? A No, sir, I reckon not, without it be the adopted roll.
Q You never have been recognized that by the Cherokee authorities? A No, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got? A Nine.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Hannah.
Q How old is she? A About 36.
Q Is she a citizen? A No, sir.
Q She is a non citizen is she? A Yes, sir.
Q Well, give me the names of your children under 21 years of age and unmarried? A (Witness mentions names.)
Q James, he is 19, is he? A Yes, sir.
Q Ruth, he is 16? A Yes, sir.
Q Hulda, he is 13 is he? A Yes, sir.
Q What is the name of the next one, Dandy? A Yes, sir.
Q How old is Dandy? A 10, they are twins.
Q The next one Willie, 8? A Yes, sir.
Q What is the last child's name? A Eddie.
Q Is she 12? A Yes, sir.
Q These children all living at this time? A Yes, sir.
Q They born and raised in the Cherokee Nation? A Yes, sir.
Q Just six that you claim now? A Yes, sir.
Mr. Hastings: Mr. Bell, how old did you say you was? A 36.
Q [illegible] a slave? A Yes, sir.
Q Who did you belong to? A Mr. Bell's wife.
Q Which is it? A Sidney Bell, Robert Bell.
Q Mrs. L. L. Bell's child? A Yes, sir.
Q Where were you living when the war commenced? A Living in the Nation, here in Eufaula, Indian Territory.
Q Who were you living with? A Mr. Bell and his wife.
Q Were you taken out of the [illegible] of the Cherokee Nation during the war? A Yes, sir, they started to south.
Q Who carried you? A Mr. Bell's brother.
Q Where did he carry you to? A Texas.
Q How did you return to the Cherokee Nation after the war? A [illegible]
Q Where did you come to? A Fort Gibson.
Q How long did you stay at Fort Gibson? A I didn't stay up there [illegible] of you at all.
Q Did there old man [illegible]? A Yes, I [illegible].
Q Did he have [illegible] with you? A [illegible].
Q Where did you live? A [illegible].
Q How long have you been living there [illegible]? A [illegible]

[illegible] Lightening Creek?

Q Yes sir? A I have been living there all the while.

Q I understood you to say you lived three years on Lightening Creek after you went there from West Texas? A Yes, sir, I went from there there I am.

Q You are still on Lightening Creek, are you? A Yes, sir.

Q You have been living there you are now ever since you moved from the Creek place you went to on Lightening Creek? A Yes, sir, after there I moved from Mr. Bentley's place I went where I am, I rented land off and on until I came to where I now live.

Q All these children that the girls you called, that you have named, are they the children of yourself and your wife, Missouri Bell?

A Yes, sir.

Q Have they all been born since you and Missouri have been married and living together? A Yes, sir.

Q Are they living with you, these children? A Yes, sir, some of them, the oldest ones are living up in the country, the oldest ones.

Q Are these children whose names you gave here, which ones are living, somewhere else, if any of them are not living with you?

A They are scattered in the country, there are not any of them but that are in the country at this time.

Q They are all alive now? A Yes, sir.

Mr. Bell-Beauchamp, Defense attorney: Where were you living when the war broke out? A On Bentley's Prairie.

Q You didn't go to Texas with Mr. Bell before the war broke out?

A No, sir.

Q You were not living on Bentley's Prairie then when the war broke out? A Well, at the breaking out they carried me south.

Q You went south before there was any war, didn't you? A Yes, sir, the war in Texas commenced when I went to Texas.

Q You didn't there was until you say, "No" in that where you state you left Texas? A No, sir, I think I came back here.

Q When did you leave Texas? A I left in '65.

Q What time of the year? A In the fall.

Q Was that the year that back to Texas? A I didn't go back to Texas at all.

Q Were you a married man at the time you left Texas in '65? A No, sir, I was a boy.

Q How old were you? A I was 18 years old.

Q Well, you went back to Texas then before out? A Yes, sir.

Q When you married in Texas? A Yes, sir.

Q Was you not a child named Ann that was born in Texas, didn't you? A No, sir.

Q Was Mary Frank that was born in Texas? A No, sir.

Q Where was Mandie born? A They are my children.

Q Where did they born in Texas? A No, sir.

Q Where were they born? A On Lightening Creek.

Q Was Mandie born on Lightening Creek, was she? A Yes, sir.

Q And Bertie? A Yes, sir.

Q And Ada? A Yes, sir.

Q And Lucinda? A Yes, sir.

Q Bertie was born on Lightening Creek? A Yes, sir.

Q And Lucinda? A Yes, sir.

Q Ada? A Yes, sir.

Q And Mandie? A Yes, sir.

Q All your children were born on Lightening Creek? A Yes, sir.

Q Lightening Creek is this Cherokee County, is it? A Yes, sir, Cherokee County.

Q Did you testify before the Dawes Commission? A Yes, sir.

Q Who did you for you didn't testify before that Commission?

Q All your children enrolled which were born in the family of

Texas? A I don't know whether I did or not, I might have.
Q If you did testify to that, was it true or untrue? A No, sir, they were born here.
Q When you came to Lightening Creek in '66 who did you find there?
A In '66 I found these people lives on Lightening Creek here, Mr. Whitmire's folks, Harry Still —
Q Which one of the Whitmires? A Moses.
Q Who else? A Ransome Downing.
Q Who else? A Uncle Moses and Ransome Downing I said.
Q They were the only people living in the Cherokee Nation on Lightening Creek when you came back? A No sir, they were not all there.
Q Who else were there? A Yes, sir, there were other people.
Q Who were they? A Looney Glass' folks I judge.
Q To what point on Lightening Creek in the Cherokee Nation did you first return? A Over here up where I am living at near Hayden postoffice.
Q What year were you married? A I married in the year '69 I believe.
Q In 1869? A Yes, sir.
Q You know what County in Texas you were married in? A Grayson I believe, some of them counties.
Q How long did you live in Texas after you were married before you came to the Cherokee Nation? A I just ~~kaki~~ stayed there the balance of the year, and came back to the Nation.
Q Did you come back before or after Hooley Bell came from Texas, or L. B. Bell, commonly called Hooley? A I came back before he did.
Q About how long before, or do you know? A No, sir, I don't know exactly how long before he did.
Q Where was he living before he left Texas? A Living on the old Bell place the last I knew of him.
Q That was before you married or after you married? A Before I married.
Q Then you went back to Texas and married? A Yes, sir.
Q Was Mr. Bell there when you went back? A No, sir.
Q Where did you first see Harry Still after you came back to this country? A Near there where he lived at, on a place close to Hayden postoffice there.
Mr. Hastings: Was that after you brought your wife there? A No, sir. It wasn't the first time I saw him, he was there when I came there from ~~[illegible]~~ Daniel's place, he helped me make my place.
Q Did you make that after you married? A No, sir, before I married.
Q When you came the first time? A Yes, sir.
Mr. Davenport: What time did you come to Lightening Creek? A In the spring.
Q Of what year? A In the spring of '66 I believe, I don't know exactly what year, but it was in the spring after I stopped to Daniel's to work there, and went over the next spring and took up a farm on Lightening Creek.
Q How many times you been married? A Once.
Q Your wife's name Mary? A Yes, sir.
Q Was she ever married before you married her? A Yes, sir.
Q What was her first husband's name? A His name was Tom Stanford.
Q Was he living when she married you? A No, sir, he died.
Q She was a widow? A Yes, sir.
Q You and she been living together ever since you married?
A Yes, sir.
Q She was a citizen of the State of Texas? A Yes, sir.
Q Have you got any marriage certificate?
A No, sir.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 9 1901

ACTING CHAIRMAN

Alfred Bell - 4.

Q She is the mother of all these children, is she?
A Yes, sir.

Proceedings

Taking of testimony continued by Stenographer Chas. von Weise.

Proceedings

Bruce E. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce E. Jones

Sworn to and subscribed before me this the 8th of July, 1901.

C R Breedlove.

Commissioner.

Continued from Stenographer B. C. Jones.

Sowata, I.T. June 25th 1921.

****

By Mr . Davenport of applicant-

Q Where did you see Fred Martin the first time after the war? A Fort Gibson.
Q When was that? A. In 19.
Q What time of the year? A. In the fall.
Q Who was with you then? A. George Thompson.

FRED MARTIN called and sworn as a witness for the applicant-

By Mr. Smith-

Q What is your name? A. Fred Martin.
Q Where do you live? A. On Neighborhood Grand river, Saline district.
Q What is your post office? A. Spaviny
Q Do you know the applicant here, Alfred Bell? A. Yes sir, I have seen him.
Q How long have you known him? When did you first become acquainted with him? A There was a boy that was with George Thompson who came to our house, that they called Alfred, and to the best of my knowledge this is the boy .
Q When were they at your house? A. In the fall of 19.
Q Were you a witness in the George Thompson case? A. Yes sir I was
Q Where did you see him, what place? A Fort Gibson.
Q You mean Fort Gibson, Indian Territory? A. Yes sir.

Mr. Davenport-

Q How old was this boy that they called Alfred that was with George Thompson the time you saw him? A. A good sized boy.
Q About how old did he look to be? A I dont know.
Q You say you don't know how old he looked to be? A. I dont know.
Q How old was you then? A. I am now 45 years old.
Q How much older was about seven years old then? A. 8 or 10, I think I was.
Q How long were they there? A. I cant tell.
Q A good many people were there during that? A. Yes sir.
Q You have testified as to the conduct of a great many people, [illegible] and have lived some time in your house that time?
Q Will you have testified as to what happened? A. Yes sir all.
Q You had never seen this boy before that and could not tell us.

MARTIN HILL, called and sworn as a witness for the applicant.

By Mr. Smith-

Q What is your name? A. Henry Hill.
Q [illegible] A. Yes.
Q [illegible] of the Seminole Nation?

Q Do you know this applicant, Alfred Bell? A Yes sir I know him.
Q Do you know whether he was a slave or not before the war? A. No sir I dont
Q When did you first see him in the Cherokee Nation after the war? A January '66
Q Where did you see him? A. Going to Ranson Thompsons and staid there a while and left there.
Q How long did he stay there? A. Staid there until long in the summer some time.
Q Are you sure that it was in January? A. Yes sir Ranson went to Fort Gibson and when he came back this man came with him.
Q Do you know where this applicant lives now? A. Yes sir.
Q How far is it from you? A. Adjoining places with me.
Q How long has he lived there? A. It has been——he started a clan there some the same spring he came there and lived there several years and then left; he lives there now.

By Davenport—

Q You saw this fellow at Ranson Thompson's place in January '66? A Yes sir.
Q And you have been seeing him ever since in the country? A No sir not all the time.
Q You dont know who his master was? A. No sir.
Q You dont know when he moved back to the Nation to live? A. He know I saw him in January, '66.
Q You didn't get back yourself until August '66 did you? A. I got back here in '65 and '66 both.
Q You wasn't here in the Cherokee Nation in January '66 were you? Q Of course I was.
Q You you got back in January and saw him in January '66? A I got back the last part?
Q Of January? A. Of '66.
Q Where was Alfred's family when you saw him in '66? A Didn't have any.
Q When did he bring his family, did you ever see them? A Yes sir I saw them, the next time I saw him.
Q How long after you saw him first did you see his family? A. 4,5 or 6 years.
Q He didn't continue to reside there in that community in '66? A No sir, he came there and staid a while and left and then came back again and he had his family with him then.
Q How many children had he when he returned? A Didn't have any, might have had William.
Q Was his children all born on Lightning creek in the Cherokee Nation? A. I think they was.
Q How far did he live from you then? A. I guess he lived about 4 miles from my place first and now we has adjoining places.

By Smith—

Q You said something awhile ago about coming back here in the last part of '66 and of seeing this man in January of '66 what do you mean by that? A. I made three trips here, the first one was in the spring of '65, the second one was in the spring of '66 and the last one was in the fall of '66.
Q You came here the second time in the spring of '66? A[illegible]

See next page

Q Then you were not here in January of '66? A. No sir; I came to Fort Gibson in '65 and then came here in the first part of '66 and then came again in the fall of '66. I made three trips.
Q Then what time of the year was it that you saw this boy in '66?
A The last part.
Q Now let me understand you right, when did this man Alfred Bell come there to where you saw him in '66, was it before or after your third and last trip? A. It was after.
Q What made you say that it was in January then? A. I should have said the last part of '66

By Com'r Needles-

Q If you did say that it was in January '66 it was a lapsus linguae was it? A. Yes sir.

JOHN LANDRUM called and sworn as a witness for the applicant-

By Mr. Smith-

Q What is your name? A. John or Jack Landrum.
Q Where do you reside? A. Hayden
Q Do you know the applicant, Alfred Bell? A Yes sir.
Q Did you know him before the war? A. Yes sir.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. They said Wesley Bell owned him, I dont know if it was him or his wife that owned him.
Q When did you first see this applicant Alfred Bell in the Cherokee Nation after the war? A. After the war I seed him on Salt Creek
Q Where is Salt creek? A. This side of Lightning, 5 or 6 miles.
QIs it in the Cherokee Nation? A. Yes sir.
Q When was it that you saw him there? A. In '67 , it was so said.
Q Do you know what time of the year it was? A. No sir I disremember what months it was, I did have it in my mind but I just forgot it.
Q You dont know how long he had been there? A. No sir.

By Com'r Needles-

Alfred Bell applies for himself and six children; his name cannot be identified on the roll of 1880 or on any of the rolls in the possession of the Commission, neither can the names of his children be found thereon. He swore that he was a slave in the Cherokee Nation before the war, was taken out of the Cherokee Nation and confined in Texas for some time; he married in Texas, his wife claimed being a Non-citizen. He makes no proof of his marriage, and it will be necessary for him to give proper proof of his marriage in order to secure a certified copy of the marriage record, and also proof of the birth of his children. The Commission [illegible] issued in the territory will be issued [illegible] freedmen on a descriptive roll, and he will be notified [illegible] of the final decision of the Commission.

* * * * * * * *

[illegible] testimony.

By Mr. Smith of John Landrum

Q How far do you live from the applicant? A. About two and a half miles.
Q Have you ever been at his house? A. Yes sir.
Q Do you know his wife? A. Yes sir.
Q Are they living together as man and wife? A. Yes sir.
Q How long have they been living as man and wife? A. Ever since they came here.
Q Are they received in the community as man and wife? A. Yes sir.

By Hastings-

Q When did they come there as man and wife? A. She came there when he came up there on Salt creek the second time, he came first by himself.
Q When did his wife come? A. She came the latter part of '67
Q Did they have any children when they came? A. Yes sir.
Q How many? A. Oh no sir, they didn't have none then.
Q He brought his wife there in the latter part of '67 did he? A. Yes sir.
Q That was in the Cherokee Nation? A. Yes sir.

By Con'r Needles-

Q Do you know this man's children? A. Yes sir.
Q Were they all born in the Cherokee Nation? A. Yes sir I guess so.

By Smith of the applicant-

Q Give me the names of your children older than James? A Will, Bob and Nannie.
Q Is Nannie married? A. Yes sir
Q What is her name now? A. Dirks.
Q Where does she live? A. With me.
Q Has she any children? A. One.
Q What is its name? A. Lucien Dirks.
Q Where does Robert live? A. Up about me on Lightning creek, Cherokee Nation.
Q Where does William live? A. Close to where I am.
Q Are they married? A . Will has been.

By Hastings-

Q How old is Will? A. 22.
Q How long after you were married was he born? A. A year.

+ + + + + + + + + + + +

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weiss

Subscribed and sworn to before me this the 16th day of July, 1901.

Commissioner.

N67D 863

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

SEP 20 1901

..... day of ....., 1901.

M M Mellette

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A.D. 1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

.....

Notary Public.

No filed

NOTICE!

IN THE MATTER OF the application of Alfred Bell for enrolment as a Cherokee citizen:

Case No. D 863

To Alfred Bell or Mollette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 9th at 8 o'clock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

L B Bell

W. Thompson

Attorneys for the Cherokee Nation.

SUPPLEMENTAL: C.F. D-863.

Alfred Bell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 9, 1901.

In the matter of the application of Alfred Bell et al for enrollment as Cherokee Freedmen.

Appearances:
Mr. Smith; of Mellette & Smith, attorneys for applicants;
Mr. W.W. Hastings, of attorneys for Cherokee Nation.

L. B. BELL, being sworn by Commissioner Needles, testified as follows:

BY MR. HASTINGS:

Q What is your name? A L. B. Bell, 62, Vinita.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q Did you or your family, prior to and up to the war own a slave by the name of Alfred Bell? A Yes sir, I did, and my wife, or rather belonged to my wife.
Q Mr. Alfred Bell who applied for enrollment as a citizen at Nowata? A Same Freedman.
Q Where were you living in 1865 or '6 after the war? A Why I was living in Rusk County, Texas, on a farm.
Q Now where was this Alfred Bell in '65 and '66? A He was there on my farm.
Q Was he there during the entire year of '66? A Well he was I reckon, I farmed there that year and had him on the place; he might have quit me sometime along about Christmas of that '66; I know he did when that terminated, went off and rented a farm somewhere else; I was breaking up to move back to the Cherokee Nation then, in '67.
Q Well when did you come back? A I left there in March, 1867.
Q There was Alfred Bell at that time? A Well Alfred as I understood from him had rented some land near by there, I don't know, mile or two away from there, probably further.
Q Well he had lived with you through the year of '66 clean up until Christmas? A Yes sir, up about that time. The year went out there with them you know when Christmas comes; we didn't do no more work after that time; the first of January was generally understood to be the first of the year though.
Q You mean by that the first of January, '67? A Yes, the first of January of any year.
Q Well after he left you in '66 in the spring of '67 did you hear of Alfred Bell making a trip up to the Cherokee Nation before you left down there? A No, I never heard of anything of that sort.
Q Did you ever see Alfred Bell since you came up here? A Yes, I think the first time I met Alfred was over there at the Wallace roll; I don't have a distinct recollection of the time, but I am satisfied of that, because the Clifton roll was the next time I saw him.
Q Where was he living when the Wallace roll was made? A Well he was just here trying to get on that roll.
Q You know where he came from then? A I could not state exactly whether he told me he was just from Texas or not; he told me though he had married and had a good big bunch of children.
Q You hadn't seen him in this country before that? A No sir, I hadn't seen him here, nor heard of him being here.
Q Had he married when he left you? A No. Alfred was probably 18 or 20 years old when I turned him loose.

BY MR. SMITH:

Q Mr. Bell, where were you when the war closed? A I was up near Boggy Depot in the Choctaw Nation.

Q How long before you reached Rusk County, Texas? A How long before I got home?
Q Yes? A After we disbanded it took me about two days and a half to ride home.
Q What month did you go to Texas in? A We was disbanded in May I think and I got home in a few days.
Q While you were in the army where was Alfred? A I presume he was right there with the balance ofmy negroes.
There was none missing when I come home.
Q You found Alfred in Texas when you went home in May, '65? A May, '65.
Q Now what did you do the rest of the year '65? A We had a crop on hands there, and he just worked along with the balance of them.
Q Did you stay at home during the rest of that year? A Yes sir, I stayed at home until December, about the first I reckon.
Q First of December, '65? A Yes sir, somewheres like that.
Q Then where did you go? A I went to Shreveport and New Orleans and up to Saint Louis and then down the Mississippi to Memphis, and took a boat there and come on home, and come up the Arkansas River.
Q How long were you away? A I was gone probably thirty days.
Q Then did you remain home during the entire year of '66 after that, or were you away at any time? A I stayed right there at home with the exception of 10 or 12 days; this Joe Thompson who testified awhile ago and I come up to Red River; we was gone probably 10 days on that trip.
Q How many slaves did you have there? A I expect there was as much as 18 or 20; I would have to figure up on it; maybe more. There was a whole lot of children.
Q Now after that crop that was out when you got back in '65, was there another one planted in 1866? A Yes sir.
Q Well now of the number of slaves that you had there do you remember Alfred during all of the year of 1866 that you were at home, are you able to state that he was there all the time? A Well that's my recollection about it, I don't know I called the roll over that morning or any morning.
Q One of them might have been away? A Yes sir.
Q So you are not positive that he was there during all the time that you were there in '66? A Well I would be positive so far as all the reasonable doubts could be made.
Q But you don't absolutely remember it of your independent recollection? A That he was there every day?
Q Yes? A No sir, I couldn't say that.
Q Of course you don't know where he was when you were away? A No.
Q He did belong to you before the war? A Yes; well as a matter of fact he belonged to my wife; she had him when I married her.
Q She was a citizen of the Cherokee Nation? A She was a Cherokee.
Q And you took this Alfred Bell out during the war? A I took him out in 1861, about October.
Q Now you never saw him until the Wallace roll; you said he was trying to get on that; well he got on it didn't he? A Well I rather think he did.
Q Well then you don't know of your own personal knowledge when he did come back to the Cherokee Nation first? A No sir I don't.
COMMISSIONER NEEDLES: This testimony will be filed with the testimony taken in the original case, and will be made part of the record in Freedman D 906 and 975 and 1033

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[illegible]

[illegible]

[illegible] that no [illegible] to the [illegible] of [illegible] [illegible] be correctly recorded [illegible] witnesses and proceedings in said case and that the foregoing is a true and complete transcript of the proceedings [illegible]

[illegible]

[illegible]

J C Stern

[illegible]

Freed D sec

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Galliette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Alfred Bell, D sec;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant had a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of [illegible] Second: Because the same is incompetent, irrele- [illegible] does not tend to prove an issue in this [illegible] Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the rights of the parties to the application for citizenship. Fourth: [illegible] the filing of a certified copy of [illegible] in the case of an applicant unless the same is [illegible] in each individual case.

[illegible] the attorney for the applicant will be en- [illegible] filed in the case [illegible] record by reference in all [illegible] come within [illegible] granted by [illegible] District,

[illegible] the opera named [illegible] for the appli- [illegible] the proof [illegible] to

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

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ACTING CHAIRMAN

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in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. S. Reuter,
Notary Public.

(SEAL)

I, E. G. Rothenberger, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E G Rothenberger

Subscribed and sworn to before me this July 29, 1902.

F S Reuter
Notary Public.

Cm McK.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alfred Bell et al., as Cherokee freedmen, consolidating the applications of

Alfred Bell et al	Cherokee Freedmen D 863
William Bell	Cherokee Freedmen D 905.
Nannie Derrick	Cherokee Freedmen D 975.
Robert Bell	Cherokee Freedmen D 1033

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Alfred Bell for himself and his six minor children, James, Earl, Lucian, Russia, Eddie and Cena Bell; by William Bell for himself; by Nannie Derrick for herself and, among others, her brother Robert Bell. The other parties being differently classified are not embraced in this decision.

The evidence in this case shows that the applicant, Alfred Bell, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and when he returned thereto one Harry Still was then residing in said Nation. The Commission has found in the case of Harry Still, Cherokee Freedmen 876, that the said Harry Still did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation for the return of freedmen to said nation; therefore, the applicant, Alfred Bell, did not return to the Cherokee Nation and establish a residence therein within the time specified in the said decree. It appears that the applicants, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Cena Bell, William Bell, Nannie Derrick and Robert Bell have been born since 1866 and have no right to enrollment except such as may be possessed by their father, the said Alfred Bell.

It does not appear that any of the applicants herein are identified on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of the Commission that the applications for the enrollment of Alfred Bell, James Bell, Earl Bell, Lucian Bell, Russia Bell, Eddie Bell, Cena Bell, William Bell, Nannie Derrick and Robert Bell, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed.	Tams Bixby	Chairman.
"	T.B.Needles,	Commissioner.
"	C.R.Breckinridge,	Commissioner.
"	W.E.Stanley,	Commissioner.

Muskogee, Indian Territory, this Mar 5 1902

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alfred Bell, et al., as Cherokee Freedmen, consolidating the applications of ---------

Alfred Bell, et al.,	Cherokee Freedmen D- 863,
William Bell,	Cherokee Freedmen D- 905,
Nannie Derrick,	Cherokee Freedmen D- 975,
Robert Bell,	Cherokee Freedmen D- 1033.

MOTION FOR REHEARING.

Comes now the applicants and move the Department to remand this case to the Honorable Commissioner to the Five Civilized Tribes in order that the applicants be permitted to introduce newly discovered testimony by which they expect to prove that Alfred Bell returned to the Cherokee Nation and established his residence therein prior to February 11, 1867.

In view of the provision in the Act of Congress, approved April 26, 1906 requiring that Motions in cases of this character be filed within sixty days from the date of said Act, we file this Motion and ask that applicants be allowed thirty days within which to file a brief and argument in support of this Motion and affidavits setting forth what we expect to prove at a new trial of this case in the event a rehearing is allowed.

Starr & Patten

ATTORNEYS FOR APPLICANTS.

UNITED STATES OF AMERICA,
INDIAN TERRITORY } SS.
WESTERN DISTRICT

J. C. STARR, of lawful age, being first duly sworn, on his oath deposes and says that he is one of the Attorneys for the applicants in the above entitled case and that this Motion is made in good faith, not for the purposes of delay but in order that justice be done.

J C Starr

Subscribed and sworn to before me this 25th day of June, A.D., 1906.

My Commission expires December 16, 1909.

Lewis Patten NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Alfred Bell, et al., as Cherokee freedmen, consolidating the applications of

Alfred Bell, et al.	Cherokee Freedmen D 863,
William Bell,	Cherokee Freedmen D 905,
Nannie Derrick,	Cherokee Freedmen D 975,
Robert Bell,	Cherokee Freedmen D 1033.

Reply of the Cherokee Nation.

Comes now the Cherokee Nation and moves the Commissioner to the Five Civilized Tribes to dismiss the motion for a rehearing filed in this case:

First, because it purports to have been sworn to before Jessie Patten, a Notary public within and for the Western District of the Indian Territory, on the 25th day of June, 1906, whereas the testimony hereto attached in the case of Mary Sanders, F. R. 38, shows that Jessie Patten and J. C. Starr were both in Vinita, Northern District, Indian Territory, and not in the Western District on the 25th day of June, 1906, and that Jessie Patten was not a Notary within and for the Northern District, Indian Territory, and therefore the motion for a rehearing has not been sworn to.

Second, we move to dismiss the motion for the rehearing for the reason that the motion alleges that it is desired to introduce newly discovered evidence to the effect that Alfred Bell returned to the Cherokee Nation prior to February 11, 1867, but the affidavit of no witness is attached to the motion for a rehearing and in support of our second contention we cite the decision of the Department in the Celia Kirkpatrick case rendered January 19, 1905 (I.T.D 7744 and 7514-1904), wherein the Department held:

"The Department does not feel warranted in remanding the case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

Without waiving the above motion, but insisting on the same, we respectfully submit that the testimony in this case clearly shows that the applicants did not return to and establish a residence in the Cherokee

[illegible] prior to February 11, 1867, but the testimony of their former [illegible], L. B. Bell, is to the effect that Alfred Bell made a crop upon his farm in the State of Texas during the year of 1866 and until the close of that crop year, when he moved upon another farm near by, and that he (L. B. Bell) left him there when he came to the Cherokee Nation, he (L.B. Bell) leaving the State of Texas in March of 1867, and reaching the Cherokee nation in May, 1867.

We submit therefore that the decision of the Commission dated March 5, 1904, and affirmed by the Secretary of the Interior on July 14, 1904, was correct and should not now be disturbed.

Respectfully submitted,

W. W. Hastings

7-26-'06.

Attorney for the Cherokee Nation.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-443 A. J.

Muskogee, Indian Territory, March 28, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alfred Bell et al., rejecting the applications for the enrollment of Alfred, James, Earl, Lucian, Russia, Eddie, Cena, William and Robert Bell and Nannie Derrick as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-46.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
47111-1904
99840-1906.

December 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 14, 1904, (I. T:D. 5624-1904), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Alfred Ball et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 10, 1906, enclosing a motion for a rehearing in this case, filed June 25, 1906, by Starr & Patten, Vinita, Indian Territory, attorneys for the applicants.

There is enclosed with the Commissioner's communication copy of a letter from Starr & Patten, dated November 15, 1906, in which they say that they have repeatedly advised the applicants to get their affidavits in support of their motion, but that they have been unable to do so. The attorneys themselves having made diligent inquiry for testimony, they say they are unable to find anything that would add any strength to the case from the

standpoint of the applicants, and being unable to find proper witnesses, they request that the motion for a rehearing be dismissed.

In view of the letter of the attorneys, the Office respectfully recommends that the motion be denied.

The record in the case is transmitted herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-EH

Y.P.

D.C.618-1907.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHM.

I.T.D.24530-1906.

L.R.S.

December 27, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The motion for rehearing in the consolidated Cherokee freedman case of Alfred Bell, et al., received with your letter of November 10, 1906, and Indian Office letter of December 5, 1906 (Land 99840), is denied, in accordance with your recommendation and that of the Indian Office, and in accordance with the request of the attorneys who filed it, and because the Department finds no merit in it.

A copy of the Indian Office letter is inclosed. The other papers in the matter have been returned to that office.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc and 7 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
R 436 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing in the Cherokee freedmen enrollment case of Alfred Bell, et al., was denied by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.K-18
JMH

Cher Fr D 864

Cher Fr D 864

To be filed with case of Mary Johnson, C.F.-D.#864.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10, 1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

APPEARANCES:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

Q What is your name? A Joshua Holt.
Q How old are you? A 52.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880 then? A No, sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Well the second? A My wife, and children and self.
Q Where is your mother? A She is out there.
Q Can appear for herself? A She is so old she don't have any recollection, I think she is pretty near a hundred years old, and not able to give in hardly.
Com'r: You can let your mother come and apply, and you can be a witness for her.
Q Your wife and children, you say? A Yes, sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 52.
Q What are the names of your children? A Laura Holt.
Q How old? A 19.
Q Next one? A Ella Holt, 13.
Q Next one? A Jessie Holt, 10; Willard Holt, 9; Clifford Holt, 6; Magnolia, three months old.
Q That's six children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q Whatwas your wife's father's name? A Anderson Johnson.
Q Was he a Cherokeefreedman? A Yes, sir.
Q How old he die? A About 20 years.
Q What is her mother's name? A Minah.
Q Is she living? A No, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is your wife's father's name on the roll of 1880? A No, sir.
Q You say your name is on the Kern-Clifton roll? A Yes, sir.
Q Is it on the Wallace roll? A Yes, sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
Page 147, #3639, Josh Holt, Cooweescoowee district;
page 147, #3640, Laura Holt, Cooweescoowee district;
page 144, #3575, Jane Holt, Cooweescoowee district;
page 147, #3641, Ella Holt, Cooweescoowee district;
page 147, #3642, Jessie Holt, Cooweescoowee district;
page 147, #3643, William Holt, Cooweescoowee district.

Q You didn't draw for Clifford did you? A No, sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 117, #2476, [illegible] District, Fort Scott, Kansas."
page 117, #2477, [illegible] Fort Scott, Kansas."
page 117, #2478, [illegible] Fort Scott, Kansas."

ESTHER HOLT, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Esther Holt.
Q How old are you? A About 86.
Q What is your post office? A Vinita.
Q What district do you live in? A Cowesscoowee.

APPLICANT recalled, and further examined: By Mr. Smith:
Q How old are you? A 52.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Bill and Nellie Holt.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes, sir.
Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A Andy Daugherty, my mother and two brothers.
Q What was your brothers name? A Tecumseh Holt and James Holt.
Q Where is James Holt? A I have not saw James Holt for twenty years.
Q You don't know where he is? A No, sir.
Q Where is Tecumseh Holt? A He is here somewhere.
Q Where does he live? A Vinita.
Q What is your mother's name? A Esther Holt.
Q What was your father's name? A James Pack.
Q Where did he die? A He died when the emigrants left this Nation going to California about 1849.
Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point as the country is developed now? A I don't understand you.
Q I mean to say at what point on Big Creek did you come?
A Near about in the settlement you have reference to?
Q Yes? A Up there about where Hughes Johnson lives and Mike Whitmire.
Q Near what place is that now? A It was on George Griffin.
Q I mean as to what post office is it near? A Near Bine, Kansas.
Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post office is nearer than Bine Kansas.
Q You think it is nearer than it is near Hudson? A Yes, sir.
Q How long did you live there at that place you have mentioned?
A I lived there off and on and go there and work and come back again.
Q Well, you were then about how old? A I don't tell exactly how old I was about that time.
Q Were you married? A I was married at that time.
Q When did you marry? A I married in 1866.
Q Were you ever married before that? A No, sir.
Q Were you a single man from '66 up to '99? A Yes, sir.
Q Do you mean '99, three years ago? A 1866.
Q Then you were mistaken when you said 1899? A Yes, sir, I was mistaken.

Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Marcella? A They are living in Vinita.
Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.
Q They are living with you? A Yes, sir.
Q You stated that you worked around from place to place, where was your mother after you came back to the Cherokee Nation? A She was there sometimes and she worked out sometimes and worked and come back again.
Q Where does your mother live now? A Vinita.
Q How long has she been living at Vinita? A I guess 13 or 14 years
Q Was your mother a slave? A Yes, sir.
Q Who did she belong to? A Ella and Nellie Holt.
Q The same persons you have mentioned in your own testimony?
A Yes, sir.
Q Where was your mother when the Civil War commenced?
A Webbers Falls, Cherokee Nation.
Q Did she or did she not go out at the same time you did?
A She went out at the same time I did.

~~EXAMINED BY COM'R MERRIMS:~~

Q Do you live in Vinita? A Yes, sir.
Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didn't appear at that commission.

BY MR. HASTINGS:

Q Your present wife is the only wife you have ever had? A Yes, sir.
Q You testified that you married her in 1887? A 1889.
Q Your oldest child is 19 years of age, you have given, Laura?
A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.
Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.
Q Did you then say anything about their being your step-children?
A I think I did, I am not certain.
Q What was your wife's maiden name? A Jane Johnson.
Q Where was she born? A Big Creek, Indian Territory, Coowescoowee district.
Q How old is she? A I think she is now about 32 years old, 30 or 32.
Q Who was her father? A Andrew Johnson.
Q Who was her mother? A Polly Johnson.
Q Where did you marry her? A Coowescoowee district, Big Creek.
Q Who married you? A Peter Keys.
Q Does she claim to be a Cherokee freedman? A Yes, sir.
Q Freed woman? A Yes, sir.
Q Did she apply before to the Kern-Clifton Commission? A Yes, sir.
Q By what name? A In 1894?
Q Yes, sir? A Jane Holt.
Q Where did you move to Vinita from? A I were living at Big creek and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Walker court.
Q But you came from Ft. Scott down to Vinita? A Yes, sir.
Q Did you bring your wife with you? A Yes, sir, we was up there working, I hadn't moved up there.
Q But your wife was with you? A Yes, sir.
Q What was you doing up there? A I was cooking up there.
Q Who for? A Man named F. E. Robinson.
Q He was living there was he? A Yes, sir.
Q Colored man? A No, sir, he was a white man.
Q How long had you been in Ft. Scott when you came to Vinita?
A I'd I believe it was 1888 or 9.

Q I say how long had you been up there when you come down to Vinita? A I don't know just how long.
Q Well, about how long? A I can't tell you. I come back before the Wallace taken the census.
Q You don't know how long you had been up there? A Not exactly.
Q About how many years? A I tell you I don't know.
Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.
Q Were you up there more than a year? A I don't think I was.
Q Hadn't you been up there ever since 1865? A Up in Ft. Scott.
Q Yes? A Why certainly not.
Q Then you deny positively that you were there more than two years? A Yes, sir. I do, at a time.
Q Where was your oldest child, Jesse, born? A Jesse was born in Vinita.
Q Have you been living in Vinita since 1889? A Yes, sir.
Q All the time? A Except when I was out working.
Q Where were you out working? A I were out at Lawrence, working and I was at Pabla and I was at Weir City, Kansas, working.
Q Where else were you working? A I worked there at Chetopa.
Q Working in Ft. Scott? A Since '89?
Q Yes? A I don't think I have.
Q How much of this time since 1889 have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892.
Q How many years? A Well all the way along.
Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out aI tell you
Q I want to know how much time you have been working out?
A I could not tell you that, because I don't know, but altogether wouldn't make a year.
Q Where was your wife at that time, in Vinita all this time?
A She was in Vinita.
Q She never went out with you when you worked out? A Not since 1889 she hasn't.
Q Where was this next child Willard born? A In Vinita.
Q Where was the next, Clifford? A In Vinita.
Q Where was Hazelia born? A Vinita.
Q All four of these children were born in Vinita were they?
A Yes, sir.
Q Who did you come down to the Cherokee Nation with after the war?
A Andy Daugherty.
Q Didn't Andy Daugherty have a place down there when you come?
A Yes, sir.
Q He had a house up? A Yes, sir.
Q He had a patch of corn in? A Had a little corn in.
Q When you come? A Yes, sir.
Q Who else had a house down there when you come? A I think Uncle Mike Whitmire had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
Q George Duffin? A I think so, I am not certain.
Q Was Uncle Peter Ward living down there then? A I don't know.
Q Was Reuben and Tuck Sanders? A Yes, sir.
Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.
Q Didn't all these people that you have mentioned have corn?
A I don't know; Uncle Andy Daugherty did, and I believe Whitmire did
Q What time did you come there? A In August.
Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.
Q Where did you go to? A I think I went to Lawrence I believe.

Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.
Q She came down with you did she? A When she first came from Kansas? Yes.
Q How long did she stay down there? A I don't know how long she stayed altogether.
Q How long did she stay before she went back? A She probably stayed a year.
Q Then she went down t o Ft. Scott? A Yes, sir, and worked a year and come back again.
Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.
Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and 5.
Q You didn't live in a Government building up there? A I didn't.
Q Did your mother? A Not as I know of.
Q You didn't live with her up there? A I was with her up there, in '64 and 5.
Q After that time were you with her? A I was with her at the Daugherty's when she was th re.
Q Were you with your mother in '66 in Kansas? A I would see her up there when I was working up there ans she were working up there.
Q Did you see her in Ft. Scott, Kansas? A Yes, sir.
Q What year was that? A I can't tell you.
Q Did you see her in '66? A We come down here in '65.
Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.
Q Did you see her in Ft. Scott, Kansas, in the year '67?
A No, sir,
Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68.
Q And you were there? A I think I come through Lawrence and I see her first one place and another.
Q And where was your brother, Tecumseh A I think he was living up there.
Q You never made a home in Kansas? A No, sir.
Q Never had one? A Yes, sir, I built one about two years ago.
Q you never had one on Big Creek? A No, sir, I come there with my uncle and never made a home until 2 years ago, I bui lt a home two years ago.
Q You never had a separate house there on Big Creek? A No, sir.
Q I went to know where you lived from '66 to '89? A Sometimes I lived on Big Creek. In 1885 I lived on Andy Daugherty's, and went to Vinita.
Q Where was your mother then? A She was at Daugherty's.
Q How much of this time has she lived at Daugherty's? A I don't know.
Q You know Jim Foreman A I do.
Q Did you ever know him in Ft. Scott? A I did.
Q Did you know him there in '68? A I knew him there in '64 and 5.
Q Do you know Simon McKinsey? A I did.
Q Did you know him in Ft. Scott, Kansas? A Yes, sir.
Q When did you know him? A '64 and 5.
Q Did you know him about '66? A I saw him after '65.
Q Did you see him about '66? A I saw William Foreman, I don't think I saw Simon.
Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.
Q Did you see him during the year of '65, '67, '68 or '9?
A I didn't see him in '66, and I never saw him in '67 or 9.
Q Did you see him in '68? A No, sir.

Q Were you in Ft. Scott during either of these four years?
A I think I were there in '68.
Q Where was that? A I think I worked there in '68 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh? A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.
Q Was your brother married? A Yes, sir.
Q Where did he marry? A In Oswego, Kansas.
Q State raised woman? A Yes, sir.
Q When? A Marriedih 1875.
Q What did you do down here in '66? A I didn't do nothing in '66, there was nothing down here to do.
Q Nothing in '67? A I went out and worked; I never worked in here in those days.
Q You never made a crop in the Cherokee Nation? A No, sir.
Q Your mother there never kept house here separate? A No, sir.
By Com'r Needles: Is Jane your first wife? A Yes, sir.
Q Had she been marriedbefore she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names? A Laura and Ella Beason.
Q Where were they born? A Big Creek.
Q Big Creek in the Cherokee Nation? A Yes, sir.
Q Is that where you married her? A Yes, sir.
Q You mentioned about working in Kansas backwards and forwards, did you have your family with you while working in Kansas? A My family was with me up there in Ft. Scott, yes sir.
Q You worked in Ft. Scott and your family was with you? A Yes, sir
Q How long was that? A I can't tell you exactly, we went there in '89 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that? A No, sir.
Q Since the Wallace roll then has your family always lived at Vinita? A Yes, sir. Except when my wife was out visiting; she went to Linn County, Kansas, once to see her grandmother, and took her children, and she went to Chetopa to see her people.
Q How long did she remain at those places? A I think she remained in Mound City, Kansas, ten days, and I don't know how long she stayed at Chetopa.
Q Before she went there was she keeping house at Vinita? A Yes, sir.
Q When she went up with these children did she abandon the house? A I was at the house.
Q Did she take hoursehold furniture with her? A DIdn't take anything but a few clothes in a valise.
Q Did she come back to the same house? A Yes, sir.
Q And were you there? A I was there.
Q Jane your wife is a daughter of Dinah Johnson? A Yes, sir.
Q Is Dinah living? A No, sir, she is dead.
Q Andrew living? A He is dead.
By Mr. Smith: You say it was in 1889 that you went to Ft. Scott, Kansas after you were married? A Yes, sir.
Q And that you came back before the Wallace court? A Yes, sir.
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No, sir.
Q What had been your home up to the time you were married?
Mr. Hastings: I want to enter an objection to that; you ask him where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide about that question.
Mr. Smith: That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.
Q At whose house? A At Andy Daugherty.
Q Was he related to you? A My uncle.
Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.
Q Now after you were married and after 1889 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.
Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.
Q Where? A Vinita.
Q What kind of work did you morher do? A She was washing out and sometimes cooking.
Q Did you have sisters? A Yes, sir.
Q What were your sister's names? A Sallie and Bettie.
Q What is Bettie's name now? A Bettie Hicks.
Q Who was she married to? A Dennis Hicks.
Q Up to the time she married Dennis Hicks what was her chief occupation? A ~~She worked around hotels and such work as that.~~ Hired out.
Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.
Q Do you know of your own personal knowledge when Sarah came back? A No, sir.
Q You know whether they were slaves before the war? A Yes, sir.
Q Who did they belong to? A Bill and Nellie Holt, same man I did.
By Com'r Needles: You say you were living on Big Creek?
A Yes, sir.
Q No town there? A No, sir.
Q Were you a farmer? A No, sir.
Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and come back there for my home.
Q How long did you live there? A I pulled out from there in '85.
Q You made that your headquarters then? A Yes, sir.
Q Your uncle was a farmer A Yes, sir.
Q You didn't pretend to farm yourself? A No, sir.
By Mr. Hastings: How many brothers did you have? A Had four, three besides myself.
Q And your mother? A Yes, sir.
Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.
Q Your two brothers and your mother and yourself? A Yes, sir.
Q You never lived in separate houses? A No, sir.
Q Where was your sister Bettie married? A She was married in Vinita.
Q When? A I don't know how many years ago it has been since she got married.
Q Since you came there? A Since I have been in Vinita, yes sir.
Q Hadn't she ever been married before ? A No, sir, not to my knowing.
Q Where did she come from when she came to Vinita? A I don't know, she wasn't with us; she had been working down about Gibson, and places around there.
Q Your sister older than you? A Yes, sir.
Q Where is she living? A In Vinita.
Q How long has she been living there? A I don't know.
Q Since or before you moved there? A She has moved there since I moved there.

Q Where did she come from? A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she come from there or where.
Q When was the last time you saw her in Ft. Scott? A I don't know.
Q Since the war? A I think I have, but I am not certain.
Q Not positive? A No, sir.
Q She didn't live with you there in '67, 8 and 9? A No, sir, she never did live with me.
Q You know where she married? A No, sir.
Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Com'r Needles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.
Q And her mother's name was Dinah? A Yes, sir.
Q Were they slaves? A Yes, sir, both of them.
Q Who did they belong to? A Anderson Johnson belonged to a Cherokee Named Ben Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.
Q In Arkansas? A Yes, sir.
Q Slave of an Arkansas man? A Yes, sir.
Q Her father was owned by a Cherokee? A Yes, sir.
Q And his wife was owned by a citizen of the State of Arkansas? A Yes, sir.
Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.
Q When did they return? A They moved to Big creek in '66.
Q How do you know? A I was there, I lived close to them.
Q Was Jane born after that or before that? A She was born after they moved there.
Q I forget whetheryou stated your wife's father and mither were both living or not? A They are both dead.
Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.
Q Except when she was out with you? A Yes, sir.
Q You don't know whether she was married before you marsiedher or not? A No, sir.
Q You know she had these two children? A Yes, sir.
Q Are these children living with you now? A Yes, sir.

By Attorney Smith: You know who was the reputed father of these two children? A Man said to be named Oscar Beason.
Q Is he living or dead? A Last I heard of him he was living.
Q By Com'r Needles: Colored man? A Yes, sir.
Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.
Q Have you a certificate of your marriage to her? A No, sir, I just married by a preacher.
Q Who married you? A Peter Maiga.
Q Is he living or dead? A He is dead.
Q Is there anyone around the camp who saw you married? A The family was there; her two sisters were there, and I was to have them here, but they went to Fort Gibson.
Q There is no one here that saw you married? A No, sir.

By Mr. Hastings: How long had you known your wife before you married her? A I knew her from a child.
Q You know whether she lived with [illegible] as husband and wife by whom she had the [illegible] two children? A [illegible] I don't know whether they were married or not.
Q How long did she live with him? A [illegible] lived with him four or five years.
Q She lived with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.
Q Lived in a house together with him? A Yes, sir.

Q You don't know whether they were married or not? A No, sir, I don't.
Q You lived at Webbers Falls when the war came up? A Yes, sir.
Q You went out north? A Yes, sir.
Q Who did you go with? A [illegible] with the soldiers, soldiers come there at night and taken us [illegible]
Q Were you living with Will and Nellie [illegible] at Webbers Falls?
A Yes, sir.
Q Did they have children? A Yes, sir.
Q What were their names? A Jenny Whitmire, Johnson Whitmire's wife.
Q How far did you live from Webbers Falls? A I lived about a mile and a half on the other side of Webbers Falls.

APPLICANT'S MOTHER recalled, and further examined.

By Mr. Hastings: Aunty, where do you live now? A Vinita.
Q Who do you live with over there? A I live with my son.
Q What is his name? A Tecumseh Holt.
Q Tecumseh got a wife? A Yes, sir, he has got a wife.
Q What is her name aunty? A Named Sarah Holt.
Q Got some children? A [illegible]
Q How old is it? A [illegible]
Q About how old is it a child [illegible] A Yes, sir, it is grown.
Q Is the Nellie married? A No.
Q Boy or girl? A She is a girl.
Q Where did Tecumseh marry? A I don't know. I am forgetful, my head is not right.
Q You were present when he married? A No, sir, I think he married in Oswego.
Q You wasn't there? A No, sir.
Q Now aunty, you came from Fort Gibson down to Vinita didn't you?
A Yes, sir, when I did come down.
Q Now Aunty, when did you come [illegible] many years ago?
A My brother went up there [illegible] and three boys; went to get provisions, [illegible] there at that time, and he brought me and [illegible] he said they were going to make a treaty and [illegible]
Q And you came did you? A Yes, [illegible] his wagon.
Q Did he have a house here at [illegible] sir.
Q He had a little field? A [illegible]
Q What was your brother's [illegible]
Q There was other people living [illegible] neighborhood were here? A Yes, sir.
Q About what time of the year [illegible] July, August, September, spring, what [illegible] A It has been so long I don't remember.
Q Warm weather or cold? A I don't [illegible] it was warm or cold.
Q How long had your brother been living [illegible] when you came?
A I don't know, he was living down [illegible] Falls when he brought me down.
Q Been living here [illegible] A [illegible] so long, I don't know.
Q How long did you stay [illegible] that time?
A When he brought me down.
A Don't [illegible] I stayed [illegible]
Q Then you came down [illegible] sir, I came down to Fort Gibson.
Q What were you [illegible] to make an honest living [illegible]
Q You lived in a Government [illegible] A Yes, I rented up there, [illegible]
Q Before the war? A [illegible]

Q Did you know James Foreman? A No, sir.
Q How long was it until you come down to visit your brother again? Did you ever see him any more? A After I went up there?
A Yes? A Yes, sir.
Q How long was it until you saw him again? A Five or six months, maybe seven or eight, I don't know.
Q You never had any home down here? A No, I made my home with him.
Q Whenever you came? A Yes, sir.
Q Where were your boys when you went back up to Ft. Scott, were they up there with you? A Josh was cooking somewhere.
Q Was he cooking up there? (No reply.)
Q Did Josh ever have a wife before he got this woman, live with another woman as his wife? A Not that I know of.
Q Never had no children by any other woman? A Not as I know of.
Q You were living up there in Ft. Scott when the Wallace payment was made wasn't you Andy? A No, sir.
Q Where were you? A I don't remember.
Q How long did you live up there at Ft. Scott after the war?
A I can't tell you.
Q You spend pretty near all your days haven't you down up to the Wallace court? A No, sir.
Q Did you work any down here before the Wallace Court? A No, sir, I haven't worked before the Wallace court, I have never been able broke up with the rheumatism.
Q About all the work you done was in Kansas? A I couldn't get no work here to do.
Q I say about all the work you done was in Kansas? A No, not all that I done.
Q Who did you work for down here before the Wallace Court?
A Oh I went around waiting on women, and come home and set down and laid down; when I was called I would go.
By Mr. Smith: How old are you, Aunt Mother? A About 85, that's the age they give me; I don't know my age; I was 15 years old the time the stars fell and the Commissioners have been trying to get my age from that, I don't know.
Com'r Needles: That was '33 when the stars fell; I was there myself and saw them fall.
Q What was it you said about having rheumatism? A I said I have rheumatism so I can't do very much.
Q You live with one of your sons? A I live with Tecumseh.
Q Were you a slave before the war? A No, sir.
Q Who did you belong to? A William Holts and Nellie Holts.
Q Were they Cherokee Indians? A Yes, sir.
Q Where did they live? A Webbers Falls.
A How many children had you at the time the war commenced, besides Joshua? A Sallie and Betsy and Mosie and Joshua.
Q And who do you live with now A I live with Tecumseh.
Q Was Tecumseh born before the war or after? A Before the war.
Q Is Bettie married now? A Yes, sir.
Q Who is she married to? A Dennis Hicks.
Q Where is she living? A In Vinita.
Q What is Sallie named? A Sallie Miller, she married a man named Miller.
Q And lives at Vinita? A Yes, sir.
Q Were these children whose names you have been stated? A Yes, sir.
Q Who did they belong to? A William Holts.
Q Same person you belonged to? A Yes, sir.
Q What was it you said about your brother [illegible] in Kansas, and about a tornado? A He went up there [illegible] everything in this nation was scarce at that time [illegible]

they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.
Q Who did he bring of your family? A Joshua, Tecumseh and Jimmie.
Q And you? A Yes, sir, brought four.
By Mr. Hastings: Bring your daughter Nellie? A No, sir, she was down here long before I was.
Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in Ft. Gibson and about Big Creek somewhere.

APPLICANT, JOSHUA HOLT, re-called, and examined by Com'r Needles:
Q Esther Holt your mother? A Yes, sir.
Q She is the witness that's on the stand here now? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q They Cherokee citizens? A Yes, sir.
Q She went to Kansas didn't she? A Yes, sir.
Q When did she return? A '68.
Q Returned with you? A Yes, sir, and my uncle and two brothers.
Q Where has she been living ever since that? A She lived on Big creek a while, and she has been living in Vinita.
Q She never got back to Kansas afterwards? A Yes, sir.
Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big creek again.
Q Did she have a home in this Nation? A No, sir.
Q Who was she living with? A Either another up on Big creek except when she was working out.
Q Was she married then? A No, sir.
Q Her husband wasn't living then? A No, sir.
By Mr. HASTINGS: How long has Reasnagh been living in Vinita?
A I don't know how long he has been living in Vinita.
Q Well, your best judgment, has he lived there five years?
A Yes, sir, I guess he has been living this time close on to ten years, I can't tell.
Q You know where he came from? A I think he had been working on a railroad.
Q Where? A Down on this line, I understand.
Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

W. D. Green, being first duly sworn, stated that he stenographed to the Commission to the Five Civilized Tribes, and accurately recorded the testimony and proceedings [illegible] foregoing is a true and complete transcript of his [illegible] thereof.
(Signed) W. D. Green.

Subscribed and sworn to before me this [illegible] 1906.
(Signed) W. S. Hastings,
Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER F. O. ROBSON.

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JOSHUA HOLT, et al., Application continued. Former petition reported by Stenographer M. D. Green.

APPEARANCES:
Messrs. Mallette & Smith, for Applicants;
Mr. W. W. Hastings, for Cherokee Nation.

MOSES RILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith, of Counsel for Applicants:—

Q State your name? A Moses Riley.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Was very well acquainted with his mother, I knew her.
Q How long have you known him? A I don't know, sir, how long I have known him exactly.
Q How old are you? A 50.
Q Did you know him before the war? A Yes, sir.
Q When did you first get acquainted with him after the war? A First time I saw him I saw him on his uncle's place on Big creek.
Q When was that? A It was some years ago, I don't know just exactly how long it was.
Q Who was this uncle? A Andy Daugherty.
Q Well, give us your best idea, judgment, as to when it was as you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it must have been 15 years ago.
Q You didn't know him before that? A No, sir.
Q You don't know what he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: By Mr. SMITH:

Q State your name? A Columbus McNair.
Q How old are you? A 51 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt, Jr.? A Yes, sir, I know him.
Q How long have you known him? A I have known him ever since he was a baby.
Q Did you know him before the war? A I [illegible] before the war came up.
Q Do you know who he belonged to? A [illegible] William Holt.
Q Was William Holt a Cherokee Indian? A [illegible]
Q Do you know what [illegible] A No, sir, I don't know anything about it.
Q When did you first [illegible] war? A Well, sir, I [illegible] him back.
Q Well, where did you see him when you saw [illegible] time I saw him after the war was up here [illegible]
Q At what place? A [illegible] Bend.
Q Do you know how long he had been [illegible] something before that?
Q Do you know [illegible]
Q Do you know where [illegible] he was in 1900?
Q Do you know where he was [illegible]
Q Did you know his mother, [illegible] with her.
Q Do you know where she was in 1900? A No, sir, I don't.

[illegible] EXAMINED.

Q Where did you live before the war, Columbus? A Right across Grand river in Saline district.
Q Where did Joshua Holt and hismother live? A In Illinois district.
Q How far was that from you? A When I got acquaintedwith them I was working at John Daniels' in Canadian district.
Q How far were you working from him? A Just across the river there at John Daniles at the old place.
Q You were working there when the war came up? A Yes, sir.
Q And you knew these people? A Yes, sir.
Q You didn't see them for years after the war? A No, sir.
By Com'r Needles: Did you know Joshua's wife's father and mother? A Yes, sir.
Q What was their names? A Anderson Johnson was her father and Dinah was her mother.
Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.
Q Do you know whether they were married or not? A No, sir.
Q Do you know they lived together as man and wife? A Yes, sir.
Q How long? A I can't say, they were living together when I saw him.
Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.
Q Where was that? A It was on Big creek when I got acquainted with him.
Q After the war? A Since the war.
Q You never knew them at all before the war? A No, sir.
Q You know Jane you say? A Yes, sir.
Q where was Jane living when you first knew her? A She was living there with her father.
Q Was she married? A No, sir.
Q Living with her father Anderson? A Yes, sir.
Q Do you know whether Anderson went out of the nation during the war? A I wasn't acquainted with him.
Q Don't know whether he went and when he came back? A No, sir.
By Mr. Hastings: Did you ever know Joshua Holt in Fort Scott? A No, sir.
Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.
Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 13 years anyway.
Q How long has his mother? A She has been there about as long as he has.
Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.
Q The Wallace court was in 1889 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the Applicant, recalled. By Com'r Needles:
Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.
Q In what army? A In the 46th or 48th United States Infantry Colored, 48th I think.
Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.
Q When did he return to the Cherokee Nation? A '66.
Q How do you know that? A I saw him on Big creek.
Q In 1866? A Yes, sir.
Q Was his wife living there when you saw him? A Yes, sir.
Q Jane your wife living with him? A She was born on Big creek.
Q You saw him there in '66? A Yes, sir.
Q Was he there when you come or you come before him? A He was there when I come.

COM'R NEEDLES:--Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Beason, and his own four children, Jessie, Willard, Clifford and Maucelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, are identified upon the Kern-Clifton roll. His two children, Clifford and Maucelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1865, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Beason, and his four children, to-wit: Jessie, Willard, Clifford and Maucelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two children's Clifford and Maucelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the test mony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.
(Signed) T. B. Needles,
Commissioner.

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Supplemental Testimony in C.F. D.#644.

Joshua Holt et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 20th, 1901.

Mellette & Smith, Attorneys for applicants present;
W. W. Hastings, present for the Cherokee Nation.

DANIEL SANDERS, being sworn by Commissioner T. B. Needles, testified as follows, for the applicant: By Mr. Smith:

Q What is your name? A Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes, sir.
Q Do you know Dinah Johnson? A Yes, sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson Johnson? A In the army.
Q Where did you first know hiw wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes, sir.
Q Who did he belong to? A Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Funkhouser family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes, sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vinita.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.
Q Now is that Mary or Jane? A Jane, yes, it is Jane.
Q Who is the oldest then? A Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Hoshua Holt? A Yes, sir.
Q Do you know where Jane was born? A In the Cherokee nation.
Q Close to where you live? A Yes, sir, 6 or 7 miles.
Q Don't you know where Mary was born? A Myst have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other one? A I don't know.
Q Would you know it if you heard it? A Yes sir.
Q Was it Ruth? A Yes, sir.
Q Where were these children born and raised? A On Big creek mostly.
Q How long has Jane been married to Joshua Holt? A Ten years or longer.
Q Do you know when Anderson Johnsn came back to the Cherokee Nation? A Yes, sir, In '66 with us.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Are they living or dead? A Both dead.
Q Where did they die? A Anderson got killed close to where he lived.
Q How long ago was that? A I think it was in '78.
Q How long did Anderson and Dinah live together there? A Until he died.
Q From what time? A I don't know just exactly when he married. Must have been in the fall of '65.
Q And from that time until he was killed they lived together? A Yes, sir.
Q Did they keep house up there? A Yes, sir.
Q Were they received in your community as man and wife? A Yes, sir, I never knowed any difference.

Q What time of the year was it that Anderson Johnson came back here? A Long in August '66.
Q What part of the nation did he come to? A [illegible] creek.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q On the roll of 1880? A Yes, sir.
BY HASTINGS: Did you know Johnson's wife before the war?
A No, sir.
Q She was a state raised woman? A Yes, sir.
Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.
Q What was his name? A Rube Foundouse.
Q Did she have any children before she and Anderson Johnson married?
A No, sir.
Q How old was she when they married? A She wasn't very old.
Q Were they married in Kansas? A I think so.
Q Did he bring his wife with him when he came with you refugees?
A Not the first time.
Q What time was it that he came down with you, what time of the year? A Long in '66, long in the month of August.
Q Was that a few days after you men came down in advance?
A Yes, sir.
Q Did you have your family with you? A No, sir.
Q They all went back afterwards and brought their families?
A Yes, sir.
Q When did Anderson Johnson bring his wife there? A I don't know just exactly when it was.
Q Can't you be positive as to whether that oldest child was born in the Cherokee nation or in Kansas? A In the Cherokee nation, I think, I never heard of her being born in Kansas.
Q How far did he locate from you? A [illegible] miles close to Albert Harris.
BY SMITH: What time did Anderson Johnson bring his wife down there? A I don't know exactly the time, shortly after that, shortly after he came himself.
Q What is your best judgment? A [illegible] long after he came himself.
Q As much as six months? A [illegible]
BY HASTINGS: This woman has had some children by Johnson since her first husband was killed? A I think so.
Q What is that child's name? A I don't know, [illegible]
Q How long after her husband's death before this boy was born?
A I can't tell you that.
Q Two or three years? A Yes, sir, I guess so.
Q He is about grown now? A I haven't seen him for quite a while.
Q Don't know his name? A No, sir.

RUBEN SANDERS called and sworn as a witness for the applicant. By Smith:
Q What is your name? A Ruben Sanders.
Q Where do you live? A [illegible]
Q Are you a citizen of the Cherokee nation? A I am.
Q On the roll of 1880? A [illegible]
Q Do you know Anderson Johnson? A I do.
Q Did you know a woman named [illegible]? A Yes, sir.
Q Do you know what relation she was to Johnson? A Was his wife.
Q When did you get acquainted with [illegible] A [illegible] out of the army.
Q When did he come to the [illegible] A [illegible] in the wagon.
Q When? A Long in the [illegible]
Q Was he married then? A [illegible]
Q When did you first become acquainted with his wife? A [illegible]

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.
Q Where do you live? A On Big Creek.
Q How far did you live from where Anderson Johnson was killed?
A About 7 miles.
Q Did they have any children, Anderson and Dinah? A They had several.
Q Any girls? A Yes, sir.
Q Do you know the name of the oldest girl? A I don't know if I do or not.
Q What are the names of those you remember? A Mary, I don't know much about the girls.
Q Do you know if any of these children are married? A One is married to Josh Holt.
Q Where does she live? A In Vinita.
Q How long did Anderson and Dinah live together? A From the time they married until he was killed, I don't know exactly the number of years.
Q How long since he was killed? A I think about 16 years.
Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.
Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.
Q How were they recognized by the neighbors there? A As man and wife.
Q Do you know when these children of theirs were born? A No, sir.
Q Were they born while they were living together as man and wife?
A Yes, sir.
Q Where were they born? A On Big Creek, there where they lived.
Q In the Cherokee Nation? A Yes, sir.
Q Do you remember which one of the girls, Josh Holt married? A No, sir, I don't believe I remember her name.
Q Do you know whether she is the oldest child or not? A No, sir, I don't.
Q Do you know whether she was born? A No, sir, not exactly, but to my best judgment they was all born in the Cherokee Nation on Big creek.

By Hastings: With whom did Anderson Johnson first live when he came down here? A Where I live.
Q You all first came down in August and then went back?
A Yes, sir.
Q You say Anderson wasn't married then? A No, sir.
Q His wife was up in Kansas then? A She wasn't his wife at that time.
Q The woman that he afterwards married was in Kansas then?
A Yes, sir.
Q He afterwards went up there and married her? A Yes, sir, and then brought her back with him.
Q Did you know his wife before she married him? A Yes, sir.
Q Where did she live? A There in Fort Scott.
Q And your recollection is that some 4 or 5 years after you all came down that she came here as Anderson Johnson's wife?
A Yes, sir.

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Chas. von weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is

a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 16th of July, 1901.
(Signed) T. B. Needles,
Commissioner.

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To be filed in case of Jane Holt, et al., C.F.D.-644.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Ruth Chinnett for the enrollment of herself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:
Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

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SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Brown:
Q What is your name? A Sam Webber.
Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes, sir.
Q You know whether they were ever married or not?
A I couldn't tell you about the wedding, they were living together as man and wife.
Q So recognized by the community? A Yes, sir.
Q Were they living together as man and wife at the time this applicant was born? A Yes, sir.
Q You know this girl's sister, Mary Johnson? A Yes, sir.
Q At the time she was born were they living together as man and wife? A Yes, sir.
Q Did you testify for Jane Holt in the Joshua Holt case? A I did 5 years ago, I didn't this time.
Q You testified a while ago in the Mary Johnson case? A Yes, sir.
Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to unless they asked me.
Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her somewhere and brought her there, I don't know where he married her.
Q When was it? A I don't believe I can tell you just when that was.
Q How long after the war was it? A I couldn't tell you that and be positive in it.
Q Was Anderson Johnson married when he first came there?
A No, sir, he was a single man.
Q It was sometime after that when he married? A Yes, sir.
Q Had he been married up to that time? A Up to what time?
Q Up to the time he first came up there after the war in '65 as you testified a while ago? A He was single when he come down.

Q You don't remember how long after that when you saw him living with this woman? A No, sir, I couldn't say positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.
Q You remember just what year he got killed? A No, sir.
Q You don't remember just about how long after he come down there? A No, sir.
Q The circumstance of his getting killed isn't as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.
Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, of of course I didn't rtry.
Q I am not asking you, Mr. Webber, the exact date, but how long ago, now when they first began living together, but about how many years ago are you willing to testify you saw them living together? A I don't know, I couldn't be positive about that.
Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have any
Q Do you have any idea how old this woman is, (indicating applicant A No, sir, not exactly.

By Com'r Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.
Q Did they raise a family there? A Raised them right there on the creek, three children.
Q While they were living together as man and wife they raised a family? A Yes, sir.

By Mr. Hastings: You don't know where he got the woman? A No, sir, I couldn't tell you.
Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 144, #3581, Chinnett, Holt, Coowescoowee district.

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SAM WEBBER, witness, recalled and further examined: By Mr. Smith: (Of Mellette & Smith.)
Q Did you know Jane Holt? A Yes, sir.
Q Whose wife is she now? A John Holt's.
Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.
Q And the mother? A Dinah I said.

MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with D 644.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.
(Signed) M. D. Green.

Subscribed and sworn to before me this August 27th, 1901.
(Signed) T. B. Needles,
Commissioner.

DEPARTMENT OF THE I[illegible]
THE FIVE CIVILIZED [illegible]
[illegible] L. BIXBY [illegible]
SEP 17 1901

Subscribed and sworn to before me this September 18th, 193[illegible].

Commissioner.

[redacted]

J. J. Reuner

Subscribed and sworn to before me this September 16th, 1908.

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes
Nowata, I. T. June 29th 1901.

In the matter of the application of Mary Johnson for enrollment as a Cherokee freedman; she being sworn by Commissioner T. B. Needles testified as follows:

W. W. Hastings Cherokee representative-

Lewis T. Brown, agent for applicant;

By Com'r Needles,

Q What is your name? A. Mary [illegible] Johnson.
Q What is your age? A. 24.
Q What is your post office address? A. Vinita.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you desire to have enrolled besides yourself? A Just myself.
Q What is your fathers name? A. Anderson Johnson.
Q Is your name on the roll of 1880? A. No sir.
Q What is your mothers name? A. Dinah
Q Are your father and mother living? A. Yes sir.

By L. T. Brown;

Q Where were you born? A. On Big creek.
Q Where have you lived all your life? A. At Vinita and Big creek.
Q Do you claim your citizenship through your father? A. Yes sir.

By Hastings-

Q Are you married? A. Yes sir I have been married.
Q Where did you marry? A. At Vinita.
Q What is your husbands name? A. Lafayette Starr.
Q And you claim your citizenship through your father? A. Yes sir.
Q Where does your father live? A. He is dead.
Q Where did he die? A. On Big Creek.

Ben Webber, being sworn as a witness for the applicant, testified as follows-

By Brown

Q What is your name? A. Ben Webber.
Q What is your age? A. 38.
Q What is your post office address? A. Nowata.
Q Did you know Anderson Johnson, the father of the applicant here, Mary Johnson, during his life time? A. Yes sir.
Q Was he a slave at the beginning of the Civil war? A. Yes sir.
Q To whom did he belong? A. Belonged to a man named Ben Johnson.
Q Was Ben Johnson a citizen of the Cherokee Nation? By blood? A. Yes sir.
Q Did Anderson Johnson leave this country during the Civil war? A. Yes sir.
Q When did he return? A. [illegible] know in the summer of '65.
Q With whom did he return? A. With me.
Q Did he continue to reside here until he died? A. Yes sir, he got killed, the younger brother shot him.

By Hastings-

Q Where did Ben Johnson live directly before the war came on? A. [illegible]

was only at his house once.
Q What kind of a house did he live in? A Log house.
Q Was it a double log house? A. I cant say as to that, I got there one night and staid all night and left the next morning.
Q Did he have a wife? A. Yes sir.
Q Do you know her name? A. No sir.
Q Did he have any children? A. Yes sir.
Q Do you know their names? A. No sir.
Q Near what town did Ben Johnson live? A. I cant tell you that.
Q What district did he live in? A. I cant tell you that either.
Q How far was it from where you lived? A. I cant tell the miles, I was just rambling through the woods hunting cattle when I went there.
Q How old was Anderson Johnson when the war came up? A. I cant tell you that.
Q How old was Ben Johnson when you were there? A. I cant tell you as to that either.
Q When was Anderson Johnson killed? A. I cant tell you the year, 4, 5, or 6 years after he got there.
Q He was always disputed wasn't he, never was recognized by the Nation? A. I never heard him say nothing about it.
Q You are the man that came down to Fort Gibson in '65? A. Yes si
Q That was when your father and some other man went up to see Chief Downing? A Yes sir.
Q And you took up with some woman down there at Fort Gibson and you and she and some others wintered up on the Virdigris river? A. Yes sir.
Q You never told this five years ago did you? A. No sir.
Q Where did Anderson Johnson locate when he came here first? A. He came and drove one of my teams and stopped with us and went back and then located up above us on the Creek.
Q How long after you all came down together before he came back and located himself? A. I cant tell exactly how long it was, he came with us in July and went back and came again in the fall.
Q Did his mother come with him? A. Yes sir.
Q How far did he locate from you? A. 10 miles.
Q Was that on Big creek or Snow creek? A. Big creek.
Q What was his mothers name? A. I dont know that.
Q Did she go by the name of Johnson? A. Went by the name of Stratton she was a widow—this one always called herself Johnson.
Q How long did he live there until he was killed? A 4, 5, 6, or 7 years
Q Did you testify for this girl five years ago before the Kern Clifton Commission? A. Yes sir.

By Brown—

Q Anderson Johnson died before the 1880 authenticated roll was made did he not? A. Got killed before that.
Q Are you a recognized freedman citizen of the Cherokee Nation? A Yes sir.
Q Is your name on the authenticated roll of 1880? A. Yes sir.

By Hastings—

Q Where was Anderson Johnson killed? A On Big creek he was putting up hay and his brother came there and shot him.

Lewis Mitchell, called and sworn as a witness for the applicant.

By L. F. Brown—

Q What is your name? A. Lewis Whitmire.
Q What is your age? A. 63.
Q What is your residence? A. On Lightning creek.
Q Are you a recognized freedman citizen of the Cherokee Nation?
A Yes sir.
Q Is your name on the 1880 authenticated roll of the Cherokee Nation?
A Yes sir.
Q Do you know Anderson Johnson, the father of Mary Johnson, the present applicant, during his lifetime? A. Yes sir.
Q Was he a slave? A Yes sir
Q Who did he belong to at the beginning of the Civil war? A. To Ben Johnson.
Q Was Ben Johnson a citizen of the Cherokee Nation by blood? A. Yes sir.
Q Did Anderson Johnson leave this country during the Civil war?
A Yes sir.
Q When did he return here? A With Sam Webber and his father in the summer of '68.
Q Did he continue to live here from the time he came untill he was killed? A. I never knew him to leave until he got killed
Q Where did you live before the war? A. In Going snake district.
Q Where did Ben Johnson live then? A. 7 miles from me.
Q What kind of a house did he live in? A. In a good log house boxed up with lumber.
Q What was Ben Johnson's wife's name? A. I have forgot it.
Q Did he have any children? A Had a whole lot.
Q Name some of them? A. Anderson, Ben, George, Jim; I cant call the girls names.
Q You came here yourself first when? A In the fall of '66.
Q What time of the fall? A I cant exactly tell the time it was.
Q How late in the fall? A Well it was cold weather.
Q Near Christmas? A. Must have been a month from Christmas.
Q You camped there first? A. Yes sir.
Q How far was it from where Johnson located? A. 12 miles.
Q How far from where Sam Webber located? A. 10 miles.
Q How far was Johnson's place from Webbers? A 3 or 4 miles.
Q Was you a witness for this girl five years ago? A. Yes sir.

By Brown of the applicant-

Q Do you know Josh Holt? A. Yes sir.
Q Do you know his wife Jane? A. Yes sir.
Q What relation is she to you? A. My sister.
Q Same mother and same father? A. Yes sir.

By Commission.

Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir on the Wallace roll.
Q Not on the 1896 roll? A. No sir.
Q Did you draw strip money? A. Yes sir I drawed three times.

.. Applicant not found on the 1880 or 1896 rolls.

Here Clerk roll examined and applicant found as follows-
Page 144 No. 1880, Mary Johnson, Goweeseeskee district.

Q Who do you claim to be your father? A. John Hall.

Q Where were you born? A. On Big Creek.
Q Cherokee Nation? A. Yes sir.
Q Have you lived here all your life? A. Yes sir.
Q Are you married? A. Yes sir.
Q Who to? A. Fay.Starr, am separated from him now.
Q Have you any children? A. No sir.
Q Then your name is Starr isn't it? A. Just by marriage.
Q Do you want to be enrolled as Starr or Johnson? A I dont know I guess Johnson.

By Hastings-

" Special attention is called to the fact by the representatives of the Cherokee Nation that no marriage is proved between the mother and the alleged father of the applicant "

By Com'r Needles,-

Applicant applies for herself; she cannot be found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kern Clifton roll. She avers that she is the child of Anderson Johnson, who was a slave of Ben Johnson a Cherokee citizen by blood. The testimony shows that the said Anderson Johnson was taken out of the Cherokee Nation and returned in 1866; she claims her citizenship through her father Anderson Johnson; she avers that she is a full sister of Jane Holt ,but no reference is made as to her case. Applicant makes satisfactory proof as to residence and she will now be listed for enrollment as a Cherokee freedman on a doubtful card and will be notified by mail of the final conclusion of the Commission.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon

Chas von Weise

Subscribed and sworn to before me this the 18th of July, 1901.

Commissioner.

To be filed in the case of Mary Johnson, C. F. D. 884.

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Supplemental Testimony in C. F. D. 644.
Joshua Holt et al.
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Department of the Interior.
Commission to the Five Civilised Tribes,
Nowata, I. T. June, 28th 1901.

Mellette & Smith, attorneys for applicants, present.
W. W. Hastings, present for the Cherokee Nation:

DANIEL SANDERS, being sworn by Commissioner T. B. Needles, testified as follows for the applicant-

By Mr. Smith-

Q What is your name? A. Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes sir.
Q Do you know Dinah ~~Smith~~ Johnson? A Yes sir.
Q What relation are they? A. Man and wife.
Q Where did you first know Anderson Johnson? A. In the army.
Q Where did you first know his wife? A. At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A. Yes sir.
Q Who did he belong to? A. Ben Johnson.
Q Was he an Indian? A He was a white, an married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes sir.
Q Who did Dinah Johnson belong to? A. She came from the states where she belonged to the Funkhousen family.
Q When did Anderson and Dinah marry? A. After the war.
Q Do you know if they have any children or not? A Yes sir they have.
Q What are their names? A Mary was the eldest one I believe.
Q Do you know the names of any of the others? A. I never paid much attention to them.
Q Do you know where they are now? A. They are at Vinita.
Q Are they married or single? A Joshua Holt.
Q Now is that Mary or Jane? A. Jane, yes it is Jane.
Q Who is the oldest then? A. Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Joshua Holt? A. Yes sir.
Q Do you know where Jane was born? A. In the Cherokee Nation
Q Close to where you live? A. Yes sir 6 or 7 miles.
Q Dont you know where Mary was born? A. Must have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other one? A. I dont know.
Q Would you know it if you heard it? A. Yes sir.
Q Was it Ruth? A. Yes sir.
Q Where were these children born and raised? A. On Big creek mostly.
Q How long has Jane been married to Joshua Holt? A. Ten years or longer
Q Do you know when Anderson Johnson came back to the Cherokee Nation? A Yes sir in '66 with me.
Q Do you know when Dinah came back? A. I dont know exactly the time.
Q Are they living or dead? A. Both dead.
Q Where did they die? A. Anderson got killed close to where he lived.
Q How long ago was that? A I think it was in '78.
Q How long did Anderson and Dinah live together there? A. Until he died.
Q From what time? A I dont know just exactly when he married, must have been in the fall of '65.
Q And from that time until he was killed they lived together? A Yes sir.
Q Did they keep house up there? A Yes sir.
Q Were they received in your community as man and wife? A. Yes sir, I never knowed any difference.
Q What time in the year was it that Anderson Johnson came back home?

A Long in August,66.
Q What part of the Nation did he come to? A. Big creek.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q On the roll of 1880? A Yes sir.
By Hastings:
Q Did you know Johnson's wife before the war? A. No sir.
Q She was a state raised woman? A Yes sir.
Q Where did you see her first to know her? A. In Kansas,I knowed her stepfather before that.
Q What was his name? A. Rube Funkhouse.
Q Did she have any children before she and Anderson Johnson married?
A No sir.
Q How old was she when they married? A. She wasn't very old.
Q Were they married in Kansas? A. I think so.
Q Did he bring his wife with him when he came with you folks? A. Not the first time.
Q What time was it that he came down with you, what time of the year?
A Long in 66,long in the months of August.
Q Was that when some of you men folks come in advance? A. Yes sir.
Q Did you have your family with you? A. No sir.
Q They all went back afterwards and brought their families? A. Yes sir.
Q When did Anderson Johnson bring his wife there? A. I dont know just exactly when it was.
Q Cant you be positive as to whether that oldest child was born in the Cherokee Nation or in Kansas? A In the Cherokee Nation, I think, I never heard of her having any children in Kansas
Q How far did he locate from you? A 7 miles,between 6 and 7 miles close to Albert Morris.
By Smith:
Q What time did Anderson Johnson bring his wife down there? A I dont know exactly the time, shortly after that,shortly after he came him self.
Q What is your best judgment? A Not long after he came himself.
Q As much as six months? A Cant have been any longer.
By Hastings-
Q This woman has had some children born to her since her first husband was killed? A I think so,one.
Q What is that child's name? A. I dont know, it is a boy.
Q How long after her husband's death before this boy was born? A I cant tell you that.
Q Two or three years?A Yes sir I guess so.
Q He is about grown now? A I haven't seen him for quite a while.
Q Dont know his name? A. No sir.

Ruben Sanders called and sworn as a witness for the applicant-
By Smith-
Q What is your name? A Ruben Sanders.
Q Where do you live? A. On Big creek.
Q Are you a citizen of the Cherokee Nation? A. I am.
Q On the roll of 1880? A I am.
Q Do you know Anderson Johnson? A I did.
Q Did you know a woman named Dinah Johnson? A. Yes sir.
Q Do you know what relation they were to each other? A. Man and wife.
Q When did you get acquainted with Anderson Johnson? A When he came out of the army.
Q When did he come to the Cherokee Nation after the war? A. With us in our wagon.
Q When? A. Long in the summer of '66.
Q Was he married then? A. He was not.
Q When did you first become acquainted with his wife? A In Kansas.
Q When did you first see her in the Cherokee Nation? A. I dont know exactly,several years after we come down here that I saw her down here.
Q Where do you live? A On Big creek.
Q How far did you live from where Anderson Johnson waskilled? A About 7 miles.

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THE HIVE CIVILIZED TRIBES
WILLIAM
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Did they have any children, Anderson and Sarah? A They had several.
Any girls? A. Yes sir.
Do you know the name of the oldest girl? A. I don't know if I to go and
What are the names of those you remember? A Mary, I don't know much
about the girls.
Do you know if any of their children are married? A Yes is married
to Noah Hold.
Where does she live? A. In Vinita.
How long did Anderson and Sarah live together? A I don't know they
married until he was killed. I don't know [illegible]
How long since he was killed? A. [illegible]
Do you know where they married, Anderson [illegible]? A. I don't know the
exact date, it was somewhere about [illegible]
Did you see them married? A. No sir, [illegible] came here
and kept house there and lived [illegible]
How were they recognized by the neighbors as man and wife.
Do you know when these children of Sarah's were born? A. No sir I don't
Where they born while they were living together as man and wife? A
Yes sir.
Where were they born? A. On Big creek. [illegible] where they lived.
In the Cherokee Nation? A. Yes sir.
Do you remember which one of the girls Sarah married? A No sir I
don't believe I remember her name.
Do you know whether she was the oldest child or not? A No sir I don't
Do you know where she was born? A. No sir [illegible] I don't
but judgment they was all born in the Cherokee Nation, in Old Creek,
by Marriage.
With whom did Anderson Johnson have his home when he died from here?
A Where I live.
You all first came down in August and [illegible] Was he sick
You say Anderson never married Sarah? A. No sir.
His wife was a [illegible] Indian? A. Yes sir.
The woman that he afterwards married was [illegible] the wife of Tom Sharp.
He afterwards went to Texas and married [illegible] A. Yes sir, and that
brought her back with him.
Did you know of his being married to [illegible]? A Yes sir.
Where the [illegible] married? A. [illegible]
And your recollection is that [illegible] after they all came
from that she came here as Anderson Johnson's wife? A. Yes sir.

* * * * * * * * * * *

Case, you Voice, being sworn upon that he [illegible] to the [illegible]
admission to the Five Civilized Tribes he remembers the facts [illegible]
testimony in the above entitled [illegible] that the [illegible]
and correct transcript of his testimony taken therein.

Stenographer

Subscribed and sworn to before me this the [illegible] day of [illegible]

[illegible]

Supl. C. D. #818. Freedman. Mary Johnson 7D86

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative [illegible] only proof of service on S. B. Lawson, the attorney [illegible] applicant in this case, that testimony could be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represent by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Tell what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedmen by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the CherokeeNation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the ourfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; Where you say it was? A It was right on this side of the Neosho River; between the old Hudson Place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, why I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack Mahain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you know in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you know? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old man I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you not?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know the neighborhood he lives. I have not met him ever since I have been here. I don't think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. C. Rogson.

Stenographer.

F. D. 619.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. H. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright (Ex. 7th of June.
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation. (Ex. June 7th. Statement filed on the 26 of June. 1st July not, 1st Aug. set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmir on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during he war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cheroke Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1878.
By W. P. Boudinot, Atty."

The Cheroke Nation offers in evidence from a book taken from the Executive Department of the Cheroke Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A." page 238, case No. 60, as follows:

"Case 60.

Aaron Whitmire
vs
Cheroke Nation.

Tahlequah,
July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of hat number. The claimant was one of hem. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 3nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moses, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting hom es. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsly settled and bare of subsistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they return d to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. when I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire
vs
Cherokee Nation.

August 1, 1878.
Rufford Alberty, witness for claimant, called and sworn.

I reside in Coweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coweescoowee District

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virdifris. While out there I fell in with a party of seven or eight persons who were camped with others near Saw Crouches. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitmire, had a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or take claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and take him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some.
He also represented that they had come down to take claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to take claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Rotlirr. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ramson Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis And Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife our family composed my family. Louis had no family. Aaron and Nelson did. Major, Man, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Lankford was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Moses Whitmire.
mark.

Case 63.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Nation.)

Now comes claimant in atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person who claims as freedman under privilege of the first specification of the treaty of 1866 preferred by law to the Commission to examine and decide rights by competent authority having been denied citizenship.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unavoidable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same yehr, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Ooweegadowoo, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never know Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Moses, Lewis, Dennis and Nelson, Whitmire, Peter Meigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but idd not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired he road to Big Creek. McKean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invitedthem to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were none who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs) July 4th 1878.
Cherokee Nation.)

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866, Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:
D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he and was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

-2-

The home of Claimant is in the same locality as that at the time [illegible]. In Oct. [illegible] to [illegible] in [illegible] for the purpose of [illegible] the year [illegible] in the [illegible] [illegible] good [illegible].

[illegible] in the fall of 1866 [illegible] this [illegible] the neighborhood [illegible] the time of selecting their homes. Several claims [illegible] in sight [illegible] witness [illegible] colored party [illegible] they had selected, and are now the homes of the party above indicated.

Agent [illegible] dividing said Col party [illegible] the Cherokee [illegible]. There [illegible] witness [illegible] their claims [illegible] party at the time [illegible] the country. This was [illegible] against by witness [illegible] of [illegible] party spoken of above was [illegible] of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is [illegible] Wild Cattle. I travelled a good deal in that neighborhood at that time spoken of.

Continued on page 255.

Aaron [illegible] et al
vs
Cherokee Nation.

July 15th 1876.

John Wiley,
Sworn as witness for [illegible]. I live in [illegible] Dist. I first [illegible] in [illegible] and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I [illegible] of [illegible] River [illegible] 1867. Also [illegible] at the [illegible] I don't remember [illegible] or an old place of [illegible]

[illegible]

I don't know of any colored [illegible]

[illegible]

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the constitution under the treaty, and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitmire)
vs) ~~Tahlequah May 10, 1878.~~
Cherokee Nation.)

This day comes John F. Byons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Byons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes ther of.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL) (Signed) R. C. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1902.

Bruce C. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wyner, Cherokee Nation.
Q What district do you live in? A Codweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50 and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Codweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.
Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owners didn't give me time to get my education.
Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
Mr. Hastings: Was it the March after the treaty was made? A Yes,sir.
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes, sir.
Q How far from where Sam Webb lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes, sir.
Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes, sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.
Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Your name on the 1880 roll? A Yes, sir.
Q Do you know Aaron Webber? A Yes, sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes, sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes, sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q That time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty period? A We were out at the same month the treaty was made in, because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken?
A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of 66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

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Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. T. D. 360.

Appearances:
W. W. Hastings for the Cherokee Nation.
Melletis & Smith for the Applicants.

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 30.
Q What is your post office? A Bound City, Kansas.

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miami Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here? Joe Ross? A I knew him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Where farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Cyr Flemmings.
Q I mean in the year 1862? A My father bought the farm.
Q Of whom did he purchase the farm? A Cyr Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is September '66.
(By Mr. Smith) Object to that if you have got the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora, Frances and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67. I can't place exactly the month, early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew by that name in Kansas as Joe Webber? A Yes sir.
Q How did you know him? A I recognized his countenance as one man never forgets.
Q How? A Well I was blind.
Q Blind? A Yes.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the same Joe Webber was not used much.
Q When did you first become acquainted with Sam Webber? A In '63 he married my first cousin.
Q Which farm did he live on? A Father bought in the neighborhood where I lived, and he moved there.
Q When did your father buy that farm? A In the fall of '62, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoken to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedx in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise,

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Pearson Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-880, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rogers, and afterwards dictated by him to stenographer M.D.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Weber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I went say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67. I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgment? A Yes, sir.
Q That is your best recollection? A (No response.)

Q You said I believe you know they were there in the fall? A Yes sir, that is all I can state positively. I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '65? A About 13 years old, September 6, 1866.
Q Now when were you asked first as to the time when Sam Webber left that country? A When was I asked first.
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes I have the same opinion I got now; it was the best of my opinion they left in the spring. I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1865? A I don't know.
Q Where was he in October, 1865? A He was on the Creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1865.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course, well how do you know did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for me.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two?
A Yes, sir; I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I came down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Rose, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken? A Didn't much difference in the ages; but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Abron Webber came to the Cherokee Nation in the fall of 1865?
A I think not, I don't think they did. They was there in 1865 but they was going and coming all the time. They came down in 1865 and located.
Q They came in 1866 and located? A Yes sir, but they came back and got their family.
Q Now you know only that they were there in 1866? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '65.
Q Well I am talking about '65; were they there in the spring of '65?
A I couldn't say what time of the year. I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Abron Webber coming down to the Cherokee Nation at any time? A They came down in the summer of '64 I think, directly after crops was made they came down here and they went back together back up there in the fall.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.
Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not: I know Sam and the old man come back and got the family.
Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.
Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
Q And now that final move when they took all the people out you think was in what time? I don't know, but it runs in my mind as February or March, I wont say anything about that.
Q What year? A '67.
Q You say you wont say anything about that? A I don't know whether it was or not.
Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.
Q There was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.
Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.
Q You can't state that positively? A No sir, not unless I get something to fix the date.
Q You wont say that? A No sir.
Q How can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course them dates is a long time ago; now I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.
Q You didn't go off of that farm? A No sir, just moved from the west to the east side.
Q And you were a boy about 13 years old? A Yes sir.
Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.
Q How about that now; about the death in the family? A There was a young man died in the family in '68, 3 years after we moved there it must have been from the things that he did when we moved from the house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved after, remember that fact.
Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

BY MR. HASTINGS:

Q Now you never missed them up there in 1865 did you? A No sir.

MR. SMITH: I object to that; it is not material whether he missed them or not.

Q Did you ever miss them up until the summer of 1867? A No sir. I have no recollection of them leaving that until that.
Q That is your first recollection of them leaving? A Yes sir.

Mary A. Mabry being sworn and examined by Commissioner Dunbar Ingraham, testified as follows:

Joe Ross (mp'l) 8

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post office? A Mantas.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Grand City, Kansas, Mrs. Hicks? A I live 4 miles.
Q How long have you lived in this neighborhood? A Ever since the spring of 1857.
Q Were you living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglas Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that lives the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from this just over the fair? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Rose? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look at this in the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was in October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is. If you will let me look I will tell you.
Q Look at it and see if this is your Bible? I think it is, but I can't read it. I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864;" A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866" A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died? A No sir, I would not tell you.
Q Don't know? A No I don't, you mean this Sam.
Q That man? A Oh the old gentleman; he lived up there by me I think; I am not positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Hanna, living.
Q She was living? A Yes, sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she set up with me several times, and if it was a bad night and she saw my boy is she would come and sit up with me.
Q Did you know a sister of Joe's called Cozora? A Yes, sir.
Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that county? A

Joe Ross (con't)

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this [illegible] took place, because it is not the subject of [illegible] opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question. A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The [illegible] of my recollection, because the old lady, old aunt Rhode, and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about [illegible] yards from them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q He had recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Fleming owned it.
BY MR. SMITH:
Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes, sir.
Q Well what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to muddle with, I [illegible] come down here to criticise or anything about it; I want to tell the truth as far as I know.
Q Where was young Sam Webber in December, 1866, and up until January or February of 1867? A I could not tell you where he was, I think Sam worked out [illegible] around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that [illegible].
A [illegible] I don't know.
Q He was not there [illegible]? A I don't know, I wouldn't say as to that.
Q Do you remember [illegible] Andy Webber and others [illegible] that community in 1868 and going down to the Cherokee Nation? A I recollect only Sam [illegible] I guess though it was in [illegible]
Q [illegible] their date [illegible]
Q Don't know? A [illegible] me back [illegible]
Q Do you remember [illegible] the community?
A No sir, I [illegible]

The Mrs. Webber 10

Q Will you give me some idea, Mrs. Webber, about the time old man Dan Webber started off on this trip to the Cherokee Nation in 1866, that you mentioned about? A Why I don't know, he came in the fall season.

Q You don't know whether it was fall, summer or spring? A No sir, I don't.

Q Well now let me get you to better recollection of this very time. Can you mention to me some thing you know of the exact time? A I know he was there when that child of mine died.

Q And you don't know how long after that? A No, they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.

Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.

Q You don't think that was? A No I don't, for several reasons.

Q You can't state positively whether it was before or after Christmas, you can't swear to? A I couldn't want to swear it either way.

Q Where did you move from to this place that you have? A Where did I move from?

Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '66.

Q About how many did you remain on the place? A I stay there yet, that I did at home; my husband is dead.

Q Do you know how many trips Dan Webber made to the Cherokee Nation before this time that he came and there the last time? A No sir, I don't.

Q You know of his coming the last? A I know him and his father and I think Aaron, and I don't know whether he was along or not.

Q Well is this Joe? A Well of course, oh that one. You believe that one setting there?

Q Yes? A I think so is.

Q Which one of them don't you remember? A That one, he was with the but a boy when I knew him.

Q Which one, the right one here, the black one? A Yes sir.

Q That is his name? A Joe we always called him.

Q And what is this man right here? A Dan, that is the way we always called him.

Q You think that is the man you met up there in Kansas? A This Joe? A I don't know, he says he is, he was talking but a boy when I saw him.

Q You don't recognize him then? A Hardly I wouldn't know, he says he is the man; I used to think he was a very good boy when they lived there, but then he has grown out of my knowledge.

Q You don't know where the old man Dan Webber was in July '66 do you? A No sir.

Q You remember anything about young Dan Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.

Q You don't know when they did come? A They I think they come some time in the latter part of the winter, but I couldn't be certain what month it was, in February or March.

Q You want to be certain it was either of them? A I was there and saw them.

Q You would be certain it was either February or March if I tell you they did?

Q You think so? A Yes sir.

BY MR. HAMPTON:

Q I was going to ask you if you knew about Dan Webber's marriage? A They said he married; I didn't know it myself.

Q Did you hear of his coming up the last? A Yes sir.

Q Was Dan Webber married when he came? A No he was before they came.

Joe Ross/Sept 1 M

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old
Q And have you lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Dorsalace Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just after the war some colored people that lived in there: one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I don't know that he did: I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSION: The counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q. Well of what year? A. They came back.

Q. How do you remember young Sam Webber's coming back with [illegible] the time Sam Webber Sr. came, who came first when they [illegible] from that trip looking for Elijah you speak of? A. They came [illegible]

Q. You are sure of that? A. Yes sir.

Q. Where was Aaron Webber, did he come back with them? A. I don't remember very much about him.

Q. You don't remember whether he did or not? A. No, I wouldn't [illegible] whether he came with them or not. I don't know after their [illegible]

Q. Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A. Well it was in the fall of '66 I guess, about that time, either summer or fall?

Q. Either summer or fall? A. Yes sir, coming along in the summer or fall.

Q. Might not it have been the late spring? A. No, it was not, because he made his crop there and died pretty afterwards.

Q. Made a crop in '66? A. '66.

Q. What did he do with that crop? A. I suppose he put it in here, disposed of it.

Q. Do you know whether he sold it or not? A. No, I don't know whether he sold it or not, I think they fed it to their stock before they left.

Q. There was Sam Webber Jr. in Oklahoma about? A. I don't know where he was at.

Q. Where was he in January and February of '66? A. January or February of '66, I don't say.

Q. Where was he in July of '66? A. I don't know where.

Q. Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A. No sir.

Q. Do you have any recollection of Sam Webber coming there at any time with any mixed beef hides or any kind of hides? A. No sir.

Q. There was old man Webber living in the year of 1866? A. He was living there close to my mother's farm I speak of.

Q. In 1866 where of your? A. Yes sir.

Q. And you don't remember he has coming there at any time out of a trip before the time he came back with his father? A. He came to Fort Scott I guess, I never tried to keep any track of his whereabouts.

Q. Now what makes you think it was February or March of 1866 that these people left there? A. Well I have all reasons to believe that circumstances about it: well the old darkey had a game leg and the darkey boys trapped on the land that winter.

Q. These darkey boys? A. The Webber boys.

Q. Who were? A. Trapped for some that winter on the patch of land where we had had the wood at the corn.

Q. That the injury that happened in December and ends in February December 1866 and February of 1867? A. It was all in the winter of [illegible].

Q. Will the weather be pretty well gone by the last day of January or February? A. Well always is.

Q. Will the [illegible] of the weather be some back? A. No sir, not in our country.

Q. How many months do you make in the winter? A. Three months we have pretty hard weather, some months we don't have so much.

Q. So that as a matter of fact you feel that they [illegible] their place during the winter would not of it[illegible] that they didn't leave [illegible] February or March? A. Well I [illegible] toward spring that left that is the best [illegible]

Q. [illegible] the way you fix the date [illegible] Left? A. [illegible] sir, I fix it [illegible] of course that is the way [illegible] of the [illegible] They were there [illegible] I was [illegible]

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now that I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?
A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23,1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I dos, as I know nothing about it? A If I know when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN C. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. C. Starr,

Notary Public.

SEAL.

To be filed with _____

[redacted]

[redacted] C.F.D. [redacted].

[redacted]

[redacted]

[redacted]

[redacted]

In the matter of the application of [redacted] for the [redacted] of [redacted] and their children [redacted].

[redacted]

[redacted]

[redacted], being duly sworn by [redacted], testified as follows:

Q. [redacted] What is your name? A. [redacted].

Q. [redacted] old are you? A. About [redacted].

Q. Where do you live? A. I live [redacted].

Q. How long have you lived in the [redacted]? A. [redacted] and related here, and other [redacted].

Q. Do you know this [redacted]? A. Yes, sir.

Q. Were you acquainted with the [redacted]? A. Yes, sir. I wasn't acquainted with his father [redacted].

Q. When did you first see him? A. I [redacted] after the war.

Q. Where? A. Here in the [redacted].

Q. About what part of the [redacted]? A. [redacted] Big Creek in the [redacted].

Q. What time? A. [redacted] in the spring of [redacted].

Q. Do you know of [redacted] this to [redacted] the Territory after the war? A. No, sir, I don't know of [redacted] knowledge.

Q. Do you know [redacted] to you? A. [redacted] handling his children.

Q. Did you ever see [redacted] you? A. I [redacted] the trail down to the [redacted] little bit from [redacted] Creek.

Q. Did you see his [redacted]? A. I [redacted] and on for [redacted] years.

Q. Where? A. There at [redacted].

[illegible]

[illegible]

File with Cherokee Freedmen D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1908.

In the matter of the application of [illegible] Haigs for enrollment as a Cherokee freedman, she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A [illegible] Haigs.
Q How old are you? A I don't know any.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the east? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Coweseseewe.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1839? A Yes sir.
Q How long have you been married [illegible]? A Was since I was nothing but a girl.
Q Were you married to a man named [illegible]? A Peter Haigs.
Q Is he dead? A Yes sir, died [illegible] in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a citizen in the Cherokee Nation before the war? A Yes sir.
Q To what tribe did you belong? A Indian Pomeroy.

The roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, [illegible] Haigs, she is a daughter of mine, Alice is.

The roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 178, No. [illegible], Alice Pomeroy, Coweseseewe district.

The roll of the Cherokee Nation examined and the name of the applicant found thereon.

Q Did you drink whiskey [illegible]? A Yes sir.

The roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 107, No. [illegible], [illegible], Coweseseewe district.

Q Did you come up by the name of [illegible]? A Yes sir then was my

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No., 40, Elizabeth Rudisi
NOTE: Wife of Peter Ridge.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon appears as follows:
Page 181, No. 2748, Elizabeth Ridge, Goingsnake district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A Those children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he call off what you had to Kansas? A Yes sir what little we had, we never had much to call.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all came here.
Q Was it an hour or a couple or three months? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not hanging out then on the trees when you and your husband and children got here? A No sir there weren't no leaves nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old Sam Riley Sanders.
Q Who also? A Andrew Sanders.
Q Who also? A Samuel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now,
Q Were you there when they started down? A We all come together. I am a telling you.
Q But I mean when your husband came on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q Those that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all come down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q What house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people the first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Nathan Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that came? A Aaron Wright came with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You came to the place that you are living at now did you? A Yes, sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we came there.
Q Who? A Lewis Riley was there on Verdigris, but not where we was living.
Q How far from there you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Morne Clifton court.
Q Any other court that you know of? A I know of the Wallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:
Page 175, No. 2657, Reuben Sanders, Coowescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson Occhelita was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1 1880? A No sir.
Q Where did they take your name? A I was in Goosoneck Bend, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In '71 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best k judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyoung my knowledge how many there were.
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
Q Did you come in August? A Yes sir.
Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.

Q Who else came with you? A My brother Dan and the Whitaires.
Q Which ones? A Several.
Q Which ones? A Mose and Bennie, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Cesar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I came in August.
Q You didn't come in October then? Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and come back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following? A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

By Mr. [illegible]:

Q Dont you remember any one else? A Rachel [illegible].
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you came to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may have.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
Q You staid here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you come here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

\#\#\#\#\#\#\#\#\#\#\#\#\#\#\#\#

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weiss.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmaw.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I dom not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-511, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.
Commissioner Needles: Hasn't that already been shown?
L. T. Brown: And that they have had a continuous residence in this country since that year.
Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.
Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes,sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife went up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life, and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:
L. T. Brown, agent for applicants;
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? ~~Q~~ A Yes, sir.
Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '65.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

C. Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Parsons C. Jones
Notary Public.

Supl.-C.F.D.6

[illegible]

Commission of the Cherokee Nation,
[illegible]

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman, introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
L.S.Davenport, Cherokee representative;

L.S.DAVENPORT, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A [illegible]
Q Where do you live, [illegible] Vinita, Indian Territory.
Q How long have you lived in the town Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad [illegible] through Vinita when you first moved into that community?
Q When did the railroad first come through that country, Mr. Bell? A In 1871.
Q [illegible] this applicant [illegible] A No, I don't know him.
Q Do you know anything about him? A No, sir.
Q Did you live in that [illegible] the railroad [illegible] cross Kansas through the Indian [illegible] A Yes, I will tell you [illegible] the S. L. & S. F. road come through the [illegible] the railroad the railroad the Cherokee Nation. A complaint [illegible] the application of they stopped building and [illegible] of the Interior. National Council of the Cherokee [illegible] passed an act [illegible] it is dated the 14th of [illegible] of cross-ties to the railroad [illegible] furnishing the [illegible] go through. The Secretary [illegible] that the railroad should way. They had begun to lay [illegible] way, and then they [illegible] the right-of-way to Seafoss and [illegible] enough to build [illegible] Martin was and [illegible] was made, I don't [illegible] Seafoss following [illegible] a few days to the Grand [illegible] country and the first [illegible] country.
Q You don't know anything about the wife of [illegible] name? A No, I don't.

C. D. RAGSDALE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR DAVENPORT:

Q What is your name? A C. D. Ragsdale.
Q Where do you live? A [illegible]
Q How long have you lived in the town of Vinita? A [illegible]
Q Was there any railroad [illegible] through Vinita when you first moved into that community? A [illegible]

Q. There did you have [illegible] A. Lived on Grand River east of [illegible]

Q. Do you [illegible] in this case, or his [illegible] family? A. [illegible]

Q. Where [illegible] part of the sixties or early [illegible] the Grand River?

Q. Do [illegible] A. [illegible] built from Chetwynd [illegible] A. It must have been the [illegible]

Q. [illegible] remember it? A. [illegible] Bryant's [illegible]

Q. And what was [illegible] A. The ties was put in there in [illegible] it was in the spring of 1871.

BY [illegible]

Q. [illegible] A. No, sir, I don't.

Q. You don't know [illegible] or when he returned to the [illegible]

Commission [illegible] will be filed in and made a part of the [illegible] Freedman case No. B.391.

J. O. [illegible] being duly sworn, testified that as stenographer to the Commission to [illegible] he correctly recorded the testimony and proceedings in said case, and that the foregoing is a [illegible] typewritten transcript of said stenographic notes thereof.

[illegible] J. O. [illegible]

Subscribed and sworn to before me this [illegible] 27, 1902.

[illegible] Commissioner.

I, [illegible] Chenoweth, being duly sworn, testified that as stenographer to the Commission to [illegible] correctly copied the testimony [illegible] Commissioner [illegible] carbon copy thereof.

[illegible]

Sworn to and subscribed before me this [illegible] of August, 1902.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May, 13, 1903.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman,

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and merely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are as follows:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, Mackey resides near Fort Scott mills, Mr. Hayford turned on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, as the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and F. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and J. W. Hepler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This would leave evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart -- one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder. (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Quillin, (colored) sworn -- Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and willfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Marrayo, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1887, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even afterthey approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to Having shot at Major Hefford last winter. All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '66, December? A I have lived there ever since '62.
Q Did you know Dyer Hayford? A Yes, sir.
Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Eli Mackey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty Minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometim in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him?
A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; hence in jail is not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir. I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presure that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him? A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done

Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal) (Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans.

Subscribed and sworn to before me this 23rd day of July, 1902.

Bruce C. Jones
Notary Public.

V. D-634.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Mariah Johnson for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-634.

APPEARANCES:
Lewis T. Brown for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony taken by the Cherokee Nation in Freedman Doubtful 818 and Freedman Doubtful 816; also the testimony of Reuben Sanders, as well as that taken by the Cherokee Nation in Freedman Doubtful 321, be made a part of the record in this case as well as in the case of Ruthe Chinnett et al, D-636 and Joshua Nelt et al, D-644.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this ~~1st~~ 31 day of July, 1902.

(Seal)

C. P. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION OF MARY JOHNSON (C.F.D.-864), AND RUTH CHILDRETH (C.F.D.-866),

ARGUMENT OF APPLICANTS.

On the 26 day of June 1901, Applicants in this case appeared before the Commissioner to the Five Civilized Tribes at Nowata in the Indian Territory, and made application to be enrolled as Freedmen citizens of the Cherokee Nation. They both testified, that they are children of Anderson Johnson and Dinah Johnson, (deceased): that they were born in the Cherokee Nation, since the war, -and have lived in the Cherokee Nation every since.

They claim their right to be enrolled as a citizen of the Cherokee Nation, on the grounds, that their father, Ruben Johnson was a slave of a recognized citizen of the Cherokee Nation, at the begining of the Rebellion, and that he returned thereto within the timw required by the Ninth Art. of the Treaty of 186 .

Upon the question of owner-ship, there is no dispute. The only matter to be passed upon in this case is, whether or not, Anderson Johnson the father of the Applicants in this case, did, return to the Cherokee Nation within the time prescribed by the Law. Testimony of Samuel Webber in this case, is, to the effect that Anderson Johnson, returned from a point in Arkansas, to the Cherokee Nation, in the Summer of 1866: That he returned with him and some other Freedman, and drove his team. Louis Smithers, Ruben Sanders and Daniel Sanders, all of whom were Freedman citizen of the Cherokee Nation, duly, lawfully, approved as such, and whose names appear upon the authenticated roll of 1880, corroborated Mr. Webber, and swear positively, that Anderson Johnson, father of Applicants in this case did return to the Cherokee Nation in the Summer or Fall of 1866 and maintained a continuous residence in said Nation untill time of his death, - 4, 5 or 6 years later.

It is not contended that Dinah Johnson, mother of Applicants, laid any claim whatever, to citizen-ship in the Cherokee Nation. It is admitted that she was a slave of a citizen of the United States, who resided somewhere in Arkansas. Proof show that the mother and father of these Applicants lived together as man and wife, was so recognized in the com-

munity, and that during their marriage relations, these Applicants were born.

As the testimony clearly shows that the Applicants are decendants of Andreen Johnson, who was a slave of a recognized citizen of the Cherokee Nation, at the begining of the of the War, who left here during the Civil War, but returned within the time required by the Ninth Art. of the Treaty of 1866, and remained until his death. It is further shown that Applicants were born in the Cherokee Nation subsequent to the war, and have continued to reside therein. This being true, they are certainly entitled to be enrolled, and for this we most respectfully pray.

Respectfully submitted,

L. G. Brown

Attorney for Applicants.

A COPY OF THE ABOVE ARGUMENT
WAS SERVED ON ME ON THE ELEVENTH
DAY OF JANUARY, 1907.

ATTY. FOR CHEROKEE NATION.

Cher Fr D 865

Cher Fr D 865

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 26th 1901.

In the matter of the application of Willis Starr for the enrollment of himself and five children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, for the applicant,
W. W. Hastings, Cherokee Representative.

(Examination by Com'r Needles)

Q What is your name? A Willis Starr.
Q What is your age? A According to what my Indian owners tells me I am 65.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other Nation or Tribe? A. No sir.
Q Who do you want to have enrolled besides yourself? A. Myself and five children.
Q Have you a wife? A. Yes sir.
Q What is your wife's name? A. Julia Ann Starr.
Q What is her age? A. 53.
Q What are the names of your children who are under age and un-married? A Jimmie.
Q How old is he? A. Nine years old.
Q The next one? A. Lucy.
Q How old is Lucy? A. I will have to just search for it kinder, about ten.
Q The next one? A. Nora.
Q How old is Nora? A. 15 years.
Q The next one? A. Tyre.
Q How old is this one? A. 15 I think, that is what they claim.
Q The next one? A. Hena.
Q How old is she? A. 20 years old.
Q Are these children all living now? A. Yes sir.
Q With you? A. Yes sir.
Q And un-married? A. Yes sir.

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Continuation of the above application reported by H. D. Green.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all of the proceedings so far taken in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 26th day of June, 1901 at Nowata, I. T.

T. B. Needles

Commissioner.

CONTINUED, FORMER PORTION TAKEN BY STENOGRAPHER CHAS. vonWEISS.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26,1901.

In the matter of the application of Willis Starr for the enrollment of himself and five children as Cherokee Freedmen; being sworn by Com'r Needles, he testified as follows:

Appearances:
MR. SMITH, for the applicant,(of firm of Mallette & Smith.)
MR. HASTINGS, for the Cherokee Nation;

BY MR. SMITH:
Q Mr. Starr, ~~mk~~ were you a slave before the war?A Yes sir.
Q Who did you belong to? A George Starr.
Q Was he a Cherokee Indian ? A Yes sir.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q Where was he living before the war came up? A In Texas.
Q Where were you? A In Texas, where he left me.
Q When did he leave you in Texas? A He left me in Texas when we was turned loose in '65.
Q Well I am asking you about now where were you at the time the war commenced, before you went to Texas? A In the Flint District.
Q Where did your master, George Starr, ~~[illegible]~~ live, where was his home in the Cherokee Nation, if he had one? A In Flint.
Q In Flint district? A Yes sir, he died there.
Q How old did you say you were? A About 55 ~~[illegible]~~ ~~mk~~ according to what they tell me, I don' know my age.
Q Who took you to Texas? A Or How did you go to Texas? A George Starr, my master carried me there.
Q How did you get back? A I come back on a hourse.
Q Did you come by yourself?Or did some one come with you? A I come with a fellow named Dan Gerrin, and a white fellow named Bill Thunderberg.
Q What year was it you got back here? A I got back here the first of January, 1867.
Q Where did you come to? A Gibson,
Q Was that Ft. Gibson, in the Cherokee Nation? A Yes sir.
Q How long did you stay about Ft. Gibson When you came back? A I didn't stay there more than a day or two.
Q Where did you go to from Ft. Gibson? A Up on Big Creek.
Q Where is Big Creek?A Big Creek is over here the other side of Coody's Bluff.
Q Was it in the Cherokee Nation? A Yes sir.
Q How long did you stay there? A I didn't stay there long; I got news that my mother was lying at the- she was down with bronchitis, and I got hold of the news and I went right back.
Q Back where? A Back to Texas where I left my mother, on Johnson Creek.
Q Then when did you return to the Cherokee Nation after ~~that~~? A I never came back here any more until sometime in '70, I don't know the date and time, but some time in '70;after I got there and found my mother she died in June and left 7 helpless children, there and I had to see after them, and being there I married, and I never come back here any more until I made a move to come here some time in '80 and I stopped in the Chickasaw Nation; I got out of means, and I stopped there 2 years before I made it over here.
Q How long was it after you went backthere when you came here in '66 before you came back to the Cherokee Nation, in other words, how long did you stay in Texas before you came back? A Sometime in '70, I don't know.
Q Well how many years?A 6 or 7 years , I couldn't tell.
Q Were you a married man or a single man at the time you came back here in '66? A I got in a wrangle at home-
Q I don't care anything about the wrangle, when did you marry?

A I married in the next year after I got back.
Q Where do you live now?A I live at Tahlequah.
Q How long have you been living there?A I have been there 7 years I moved there in '93, with my family.
Q Are you on any of the rolls of the Cherokee nation?A No sir.
Q Are you on any of the rolls at all? A No sir, I was rejected.
Q Did you apply to the Wallace court?A No sir.
Q Kern-Clifton court?A Yes sir.
Q Who did you live with when you were up here in '66, where did you go to? A To Big Creek, to my father's.
Q Your father was living here? A Yes sir.
Q What was your father's name? A George Addair.
Q Had your father been out of the Cherokee Nation during the war or did he remain in? A No sir, he went out.
Q Which returned first? A He returned first, I suppose he did.
Q Now when you went back to Texas after getting the news of your mother's illness, where was your father, did he go with you or did he remain here?A He remained here, I went to my mother with the intention of coming back home here to him to makeit my home.
Q About how long were you here in '66 before you went back to Texas? A About three weeks I reckon.
Q How had your father and mother gottenseparated?A My master separated them, carried mother off before the war.
Q About how old were you then? A I do not know sir, only what the people tell me.
Q How old did you say you are now? A They claim it 55, is what my young ~~master~~ mistress told me.
Q Where was it you got in a wrangle, here or in Texas?A It was in Texas, me and the young master fell out; I expect I was a little wrong.
Q Well that's all right, needn't tell anythingmore about that; when did you make your home here in the Cherokee nation in '66? A At Big Creek with my father.
Q You say after you went back to Texas to see after your mother she died?A Yes, she died in June, dies of bronchitis.
Q How many children did you say she had?A Seven.
Q Young children or old?A They was little fellows, stair-steps you know.
Q When were you taken to Texas?A Before the war.
BY COM'R MEEDLES:
Q How long before the war?A I do not know sir.
Q Came back in '66 and stayed about 3 weeks, and then went back to Texas?A Yes sir.
Q When did you come back to the Nation after that? A Some time in '70.
BY MR. HASTINGS:
Q You don't mean in the year 1870, but some time in the '70s? A Yes sir.
BY COM'R MEEDLES:
Q It was sometime between '70 and '80 I suppose? A Yes sir.
BY MR. SMITH:
Q How long before the war was you taken to Texas?A I couldn't tell you, Mr. ~~Beck~~ Noelie Bell knows I guess; it was before the war; and he came back here and was re-admitted.
BY COM'R MEEDLES:
Q Where did you marry? A In Texas.
Q All these children that you apply for here born in Texas?A All but two; 2 were born in the Chickasaw Nation where I got out of ~~me~~ and stopped over there 2 years.
Q Which two? A Lucy and Jim.
Q They were born in the Chickasaw country? A Yes sir.

Q ~~Dodbemmitkeg~~ And as you was coming up here? A Yes sir.
Q None of them were born in the Cherokee Nation? A No sir.
BY MR. HASTINGS;
Q You don't remember living in the Cherokee nation before the war? A No sir.
Q You was taken out of here when you was too little to know? A Well of course I was small, I don't remember anything of it, ~~xxxxxxxxxxxfrom~~ what they told me I must have been a little fellow about that high, (indicating.) I don't know.
Q According to the way you measure it you must have been a little fellow about three or four years old? A I reckon so.
Q And before the war up to that time you lived with your owner, George Starr, in Texas? A Yes sir.
Q You claim to be 55 years of age now? A Yes sir.
Q You said you came to Tahlequah about the year 1893? A Yes sir.
Q You came from the Chickasaw Nation to Tahlequah? A Yes sir.
Q That's the first time you moved your family from the south to the Cherokee nation? A Yes sir.
Q Was your wife a state raised woman? A Yes sir.
Q You married her in Texas? A Yes sir.
Q ~~She never was in the Cherokee Nation before the war? A No sir.~~
Q Then your wife and none of your children had never been in the Cherokee Nation before 1893? A No sir.
Q Do you know R.R. Starr, of Tahlequah? A Yes sir.
Q Did you know him in Texas? A Yes sir, he used to own me; I considered he owned me.
Q How near did you live to him just after the war? A I never lived around about there, I ~~xxxxx~~ left home in '65, in the winter time, I got in that wrangle.
BY COMMR NEEDLES;
Q Your home in Texas? A Yes sir, I left there and was afraid to be seen about there.
BY MR. HASTINGS;
Q Well then you didn't meet him in '66 and '7 and '8? A No sir, I haven't seen him since until I come to Tahlequah since I run away from home.
Q In what county did you marry? A Married in Smith County.
Q In what year? A Now you have got me, I don't remember dates of the year without hearing a heap said about it.
Q Was your father taken to Texas with you before the war? A No sir.
Q Then you didn't remember your father before the war? A Only what I heard about him; I knew nothing about treaty rights when I come here, I was wild, the kuklux had rousted me and me and my master fell out and he had rousted me.
Q What is your oldest child's name, one of them is dead, the oldest child? A Yes sir.
Q What was his name? A Wise.
Q How old would Wise have been if he was living? A Wise would have been about 21 I reckon.
Q He was born in Texas? A Yes sir
Q And your youngest child, Jimmie, is 9, and was born on your way from Texas up here in the Chickasaw Nation? A Yes sir.
Q Where did you see Charley Chambers first after the war? A At Ft. Gibson.
Q That was your first trip up here? A Yes sir.
Q You remember any of the circumstances of meeting him? A Any of the circumstances?
Q When you met him was there anything that would especially recall it to your mind? A I was making inquiry of my father.
Q You didn't know your father? A No sir.
Q Where did you see Columbus McNair first after the war? A I saw

Columbus in Sequoyah some where down in there.
Q At whose house? A Old man, I didn't see him at no house, it was in the road, but I was on my way down to old man Henry West they used to call him Henry Mayfield.
Q Henry West was living down there when you went down in '66? A Yes sir, I never went down there in that time, I went down there in '70.
Q You didn't see Columbus in '66 then? A No sir.
Q What year was it you met Charley Chambers? A That was in '67.
Q About what month in '67? A Well from what they said it was January.
Q Who said that? A We were talking about Christmas and New year and so on you know what people generally say about anything like that, some of them hallooed New Year's Gift and so on.
Q Where did you see Nelson Murrell first? A I have not seen Nelson Murrell to know him until since I moved back here with my family since the war.
Q You said you came up here some time in the fall? A Well I did.
Q Who did you come with that time? A I come with Willis Mayfield, he brung the old lady Mayfield.
Q Where did you come to that time? A Come to Mt. Gibson, that's the time I went down to old man Henry Mayfield's.
Q That was in '70, how long did you stay down there? A Stayed down there about a week, my father was dead.
Q How long did you stay down there? A I didn't stay down there more than 2 weeks; I tried to move my wife, I come to locate a home and prepare a place and go back and move them, so I didn't stay very long.
Q Well two or three weeks? A Yes sir.
Q Well you claim in January '67 you was here two or three weeks, an then in the '70s you was here two or three weeks, and with that exception you never was here until you moved with your family in '93 is that what I understand you to say? A I never moved my family here until that time.
Q Is my statement correct? A Yes, I reckon it is.
Q Then the only man you saw here when you first came in January of '67 among your witnesses was Charley Chambers? A I saw plenty of people.
Q Well I mean of your three witnesses? You have got Lum and Charley and Nelson Murrell; now the only one you claim you saw on your first trip was Charley Chambers? A I didn't claim that was the only one I saw, that was all I was acquainted with.
Q You have got Columbus McNair, Nelson Murrell and Charley Chambers as your witnesses, now the only one of these three that you saw was Charley Chambers? A I saw Joe West.
Q Did you see Columbus McNair when you came first in January of '67
A I told you I didnot.
Q Did you see Columbus McNair? A I told you I did not.

CHARLEY CHAMBERS, being sworn by Com'r Needles, testified as follows:

BY MR. SMITH:
Q State your name? A Charley Chambers.
Q What is your post-office? A Hudson.
Q Do you know this applicant, Willis Starr? A Yes sir, I know him.
Q Where does he live, do you know? A I don't know exactly where he lives now.
Q Did you know his father, Willis Starr's father? A Yes sir.
Q What was his father's name? A George Adair.
Q Was George a slave before the war? A Yes sir.
Q Do you know who he belonged to? A I do not just exactly which

one of the Adairs he belonged to, but I know he belonged to an Adair I believe it was Watt Adair I believe.
Q Was Watt Adair a Cherokee Indian? A Yes sir.
Q Where did he live at the time the war came up? A He lived up on the other side of Grand river.
Q In the Cherokee nation? A Yes sir.
Q When did you first see Willis Starr this applicant here in the Cherokee nation after the war? A I see him just after, just in '66 in Ft. Gibson.
Q You know whether it was before orafter Christmas? A It was before Christmas.
Q What was he doing there, or do you know? A He wasn't doing anything when I see him there, I was just passing through myself and I just happened to run on him there.
Q Do you know where his father George was at that time, did you see him at that time or about that time? A I didn't see him until I come up on Big Creek.
Q When did you come up on Big Creek? A I come up on Big Creek in '70.
Q Where was George living then? A A George was living on Big Creek, down there near Peter Ward's.
Q Who was this man Willis Starr at the time you saw him? A He was by himself when I saw him first time I see him.
Q Was he a young man? A Yes sir, middleing aged man.
Q Was he single or did he have a wife or did you know anything about that? A I don't know whether he had a wife or not.
BY MR. HASTINGS:
Q Wasn't his wife with him? A No sir.
Q About what aged man you say he was at that time? A About middling age man I call at that time.
Q About 30 or 35? A I guess somewhere about there.
Q Was that the first time you ever saw him? A Yes sir, first time I ever saw him to know who he was.
Q Had you seen him before the war? A Not as I recollect of.
Q What were you doing at Ft. Gibson at the time? A Running about.
Q You just happened to run up on a stranger up there? A Just happened to run up on him and got to talking with him, and he told me who he was, he asked me if I knowed his father, I told him I had not seen his father.
Q You had been on Big Creek before that hadn't you? A No sir, I hadn't.
Q At whose house was he? A He wasn't in no house; just run up on him in the street there.
Q You know what you call that, in the spring, summer, fall or winter; at what time of the year would you think it was, best of your judgment? A I don't just remember just what time it was now.
Q You know whether it was cold weather orwarm weather? A It was not very cold; it may have been in the fall I don't exactly remember, it might have been in the fall, it wasn't very cold I know.
Q You know how long before Christmas it was? A No, I don't know just how long before Christmas it was, but I know it was before Christmas.
Q How long did you see him there? A I didn't see him there only just that day.
Q How long after that before yousaw him again? A I never saw him no more until I come up here on Big Creek.
Q Whenwas that? A Thatwas in '70.
Q '70 what, the year 1870? A Yes sir.
Q Was he living up here on Big Creek at that time? A No sir, he just come up on a visit to see his father he told me.
Q You saw him up here then? A Yes sir.

Q Well did he have his family with him at that time? A Little, not much.
Q About how many children? A Oh, you say he have his family with him? No sir, he didn't have no family with him then.
Q You know whether he was married then or not? A Said he was.
Q That was in the year '70? A Yes sir.
Q You saw him at his father's on Big Creek? A Yes sir.
Q How long did he remain there then? A I don't know, I was over there to his fathers, and I went backover on the river on Snow creek, and stayed around Jake Ross and Joe Ross at that time.
Q He said he was married? A Yes sir.
Q Did he say where his wife was? A I didn't ask him.
Q That was you know in the '70s? A Yes sir.
Q When did you next see him? A Not until I saw him here.
Q This last week? A Yes sir.
Q You don't remember where you were living when you first saw him in ot. Gibson? A Yes sir, I know where I was living.
Q Where? A I was living there close to Park Hill.
Q You were just knocking around when you saw him? A I was down at Gibson, I was just knocking around about Gibson.
Q You don't know where he has been living from the time you saw him in '70 up to the present time? A No sir, I don't know where he has been living.
Q You heard of him did you, around the country? A Yes sir, I could hear of him first one place and another, but I never saw him; he was around about Tahlequah and then up on Big Creek, first one place and another.
Q Lived on Big Creek awhile did he? A No, never lived on Big Creek as I know of.
Q But you heard of him from '70 up until the present time? A Yes sir.
Q Livingin the Cherokee nation? A Yes sir, living in the Cherokee nation.

NELSON MURRELL, being sworn by Com'r Needles, testified:

BY MR. SMITH:
Q State your name? A Nelson Murrell.
Q Where do you live, Mr. Murrell? A In Coweescoowee.
Q What is your post-office? A Coffeyville.
Q Do you know this applicant, Willis Starr? A It has been some time since I knew him, I haven't seen him since a boy until here of late years.
Q Did you know anything about him before the war or not? A Very little, sir.
Q Well, since the war? A Well just lately since the war too.
Q Well how long has it been since you first knew him? A Well about since I first knew him a child?
Q Yes? A I knew him when he was a little boy.
Q Where was he when you first knew him? A In Flint District.
Q In the Cherokee nation? A Yes sir.
Q You know whether he was a slave or not? A He belonged to George Starr at that time.
Q Was George Starr a Cherokee Indian? A Yes sir.
Q Did George Starr go to Texas? A He said, I don't know.
Q Where were you living when you knew the boy, how far from where George Starr lived? A I was living about 5 miles from George Starr.
Q Did you miss the boy, you know whether he was a way or not? A Yes sir, he was gone.
Q Do you know whether George Starr ever came back to the Cherokee Nation or not? A I do not.
Q About howlong before thewar did you miss this boy? A Oh

a good many years, I don't know.
Q When did you first see Willis after the war? A About 14 years ago.
Q Where did you see him? A I saw him up on Snow creek, Cherokee Nation.
Q What were the circumstances of your seeing him up there at that time? A The circumstances when I saw him at that time, he was hunting his father, one George Adair.
Q Did George Adair live up there? A No sir, he lived down on Big Creek.
Q Was George Adair a slave? A Yes sir.
Q Who did he belong to? A John Thompson Adair.
Q Who was his master, was he a Cherokee Indian? A Yes sir.
Q Where was his master living and where was George living when the war came up? A George was living up there in Flint District, adjoining Thompson Adair's.
Q You know when George came back to the Cherokee nation or do you know where he was during the war? A I don't know when he come back, he didn't come back with me, but I saw him after he come back.
Q When did you first see George after the war? A I saw George in '67 ~~X~~ ~~[illegible]~~ after the war.
Q You know what time in '67? A Along about the first part of the year, in '67 I saw him.
Q Where was he at that time? A On Big Creek.
Q What was he doing on Big creek? A He was living there.

BY MR. HASTINGS:

Q About what month in '67 did you see George Adair, early as March? A I reckon it was along about that time.
Q That your best judgment? A Yes sir, that's the best of my judgment.
Q You never saw Willis then after the war until about 14 years ago? A 14 years ago.
Q He was hunting his father then? A Hunting his father.
Q Inquiring the way? A Inquiring the way to his father.
Q You never saw him in the '70s then? A No sir.
Q Where did George Starr live when you knew him? A George Starr lived about 3 miles from a little place they called Wilsonville, on the line.
Q On this side or the other? A In the Cherokee Nation, on this side the line of Arkansas.
Q How long before the war was that? A It has been a good many years.
Q Your best judgment? A About 40 years.
Q 40 years before the war? A No, not that, about 25 years before the war. When I saw this boy.
Q That's the last time you saw this boy? A Yes sir.
Q How large was he when you saw him, about how old? A He was a child about 5 years old at that time.

BY MR. SMITH:

Q You say about 25 years, do you know, are you positive as to the number of years before the war? A Not positive at all.

COLUMBUS McNAIR, being sworn by Com'r Needles, testified as follows:

BY MR. SMITH:

Q State your name? A Columbus McNair.
Q Where do you live? A I live in Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Willis Starr? A Yes sir.
Q How long have you known him? A Well I never got acquainted with him until time of the war.

Q Where did you know him then? A In Texas.
Q You know when he came back to the Cherokee nation after the war? A no sir, I don't.
Q When did you first see him be ckhere? A I can't remember what year it was.
Q About how long ago has it been, if you can remember that way? A Oh I guess it must have been near, it may have been 10 years, I wont be positive about it, because I can't remember.
Q Quite awhile after the war? A Yes sir.
Q Several years? A Yes sir.
Q When you saw him in Texas during the war who was he with, was he a slave? A Yes sir, he was a slave.
Q Who was he with, who was his master? A George Starr.
Q You know whether George Starr came back to the Cherokee Nation after the war? Or not? A Yes sir.
Q Did he take up his residence here after the war? A Yes sir.

BY MR. HASTINGS:

Q Did you know George Starr before the war? A no sir.
Q You don't know whether he was a resident, a citizen here then or not? A no sir.
Q Where did you see Willis during the war first in Texas? A In Texas.
Q Was he grown at that time? A Yes sir, youngman.
Q Wellabout what age would you take him to be when you saw him? A I am not any judge of his age at All.

Applicant, WILLIS STARR, re-called and further examined;

BY MR. SMITH:

Q George Starr living or dead? A He is dead.
Q You know when George Starr died? A no sir, I don't know exactly when he died; I heard it but I don't know exactly, I don't remember the date.

BY MR. HASTINGS:

Q How did you learn that yourmother was ill? A Buck Penn come out.
Q Was he a colored man? A Yes sir, he belonged to John Harnage.
Q Where did you see Buck Penn? A I saw him down on Lightning Creek.
Q At whose house? A Down he rewhere Hayden and there was one Sunday.
Q Who was there at the time you saw Buck Penn? A George Thompson that was in here yesterday, and that fellow you tried, what's his name?
Q Alf Bell? A Alf Bell.
Q They were both there? A Yes sir.
Q And Buck Penn came up there and told you your mother was ill? A Yes sir.
Q Was any one with Buck then? A He come with a crowd of people I don't know who all come with him; he was rambling around in the country and he told me about her being sick.
Q How long had he been up here? A I don't know, he must have left home after I did, he brought news about her being dangerously sick. In fact she was poorly before I left home.
Q Who was you staying with up here about Lightning Creek? A I told you I was stayed with my father's.
Q But over on Lightning Creek? A I never stayed there, me and this fellow Johnson just rambling about come over there.

BY MR. SMITH:

Q Have you got a certificate of your marriage? A no sir.
Q Did you ever get a license when you married? A Yes sir, Hunt Hall married me in Smith County.

Com'r: All the rolls examined, and the applicant not found the room.

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COMM...

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ACTING CHAIRMAN

WILLIS STARR et al 9

BY MR. SMITH:

Q How many children have you, if any, older than Emma? A Christopher, Isiah, George and John.

Com'r Needles: Willis Starr applies for the enrollment of himself and 5 children, to-wit: Jennie, Lucy, Nora, Tyra and Emma he avers that he was a slave of George Starr; was taken to Texas by Alexander before the Civil War, and that he returned as a single man January '67, and remained in the Cherokee Nation three weeks, and learned of his mother's sickness, in Texas, and went there, and married; he returned with his family to the Cherokee Nation in 1893, but he returned himself between '70 and '80, and remained three weeks, and then returned to Texas; moved to the Cherokee Nation permanently with his family in 1893; he avers that his three oldest children, herein named, were born in Texas; the two youngest children were born in the Chickasaw Nation; neither his name nor that of his children appear upon any of the rolls of the Cherokee Nation, and cannot be identified; it will be necessary for him in order to legitimatize his children, to file satisfactory proof of marriage to his wife, Julia Ann, whom he avers is a non-citizen; said Willis Starr and five children enumerated herein will now be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration of the Commission; it will be necessary for him also to file satisfactory proof of birth of said children, their names not being identified upon any of the rolls of the Cherokee Nation; he will be notified by mail of the action of the Commission in the premises.

SUPPLEMENTAL, to judgment:

Applicant re-called, and examined by Com'r Needles:

Q Did you apply for Emma's child? A Yes sir.
Q What is its name? A Viola Starr.
Q How old is it? A About a year old.
Q Is it living now? A Yes sir.
Q Where is Viola? A Tahlequah.
Q You know it to be Emma's child? A Oh yes sir.
BY MR. HASTINGS:
Q That child was living when you left home? A Yes sir.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 9th, 1901.

Commissioner.

No. D 865

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 1901

Given under my hand this .....

day of .....A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of SEP 18 1901 1901.

Melita Smith

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .....day of A.D.1901

.....

Subscribed and sworn to before me this .....day of .....A.D.1901.

.....

Notary Public.

9/18 filed

NOTICE!

IN THE MATTER OF the application of Willis Starr for enrollment as a Cherokee citizen:

Case No. D 268

To Willis Starr or Mallette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 20th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 17th 1901.

L B Bell

M. W. Harlinger

Attorneys for the Cherokee Nation.

Q Yes? A Yes, but it is not likely though.

E. E. STARR, being sworn, testified as follows on the part of the Cherokee Nation. BY MR. HASTINGS:
Q What is your name? A E. E. Starr.
Q What is your post office? A Tahlequah.
Q How old are you, Mr. Starr? A 52 years old.
Q Did you know George Starr? A Yes, that was my father.
Q D d you know a colored man that he owned by the name of Willis?
A Yes, sir.
Q Where was George Starr living when the war came up?
A Living in Russ County, Texas.
Q How long had he been living there? A I don't know, my understanding is that he went there in 1847.
Q Where was this applicant, Wil,is Starr, when the war came up?
A He was living with with my my father.
Q How long had he been there? A I guess had been there since father went there; he is older than I am, I don't know.
Q When did you come back to the Cherokee Nation after the war?
A Come back in 1868.
Q Where did you live after the war closed, say from 1865 until 1868? A Lived in Russ County, Texas.
Q Where was Willis starr during that time? A He was there, around in the neighborhood there.
Q Where was he when you left there in 1868? A He was in Texas I guess, we left them all there,negroes.
Q When was the first time you ever saw Willis up here? A I never saw Willis until eight or ten years ago.
Q Do you know where he came from when he come up here?
A My understanding is he come from Texas.
Q Is your understanding from the talk you had with Willis; if you got your information from Willis? A I don't know whether I had any talk with him or not; that is the first time I saw him since we left Texas.
Q And you don't know where he was from? A No, sir.
MR. MRILETTE: Did you go to Texas with your father before the war? A No, sir, I was raised in Texas; I was born in '49.
Q You were born in Texas? A Yes, sir.
Q When do you first remember of seeing the applicant, Willis Starr?
A I played with him when he was a boy, he was just a little older than I was.
Q Do you remember him in Texas before the war? A Oh, yes, yes, sir, I do.
Q What county were you living in? A Russ County.
Q Well, did your father own a place here in the Cherokee Nation when he was living in Texas? A No, sir, not of my knowedge.
Q Didn't he come back here in '52 and draw money? A Well, he made several trips backwards and forwars and back home.
Q He drew money didn't he? A Yes, sir.
Q Well, he still held his citizenship here didn't he?
A Not as I know of, he was a citizen of Texas.
Q How did he draw money here if he was not a citizen?
Mr. Hastings: That is a legal question.
Q Well, he did draw money here? A I don't know.
MR. HASTINGS: All of the people that drew the money in 1852, were they residents, citizens of this country? A I don't know, I was too young to know anything about it.

L. B. BELL, recalled, further testified:
MR. HASTINGS: I was going to ask you, Mr. Bell, whether or not that the people that drew old Settler money were necessarily residents of the Cherokee Nation? A No, not necessarily citizens, they drew the old Settler and Emigrant money as we called it, one fifty one and the other fifty-two; it was all under that figure '35

and they drew it from Georgia to California; everybody's name that was on there was entitled to money regardless of citizenship.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in t his case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscrubed and sworn to before me this September 21st, 1901.

C. R. Breckinridge

Commissioner.

Cherokee Freedmen D 868

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 2, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Willis Starr, et al., for enrollment as Cherokee freedmen.

It appears that on the 29th day of January, 1904, the principal applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on March 2, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:

Applicant, Willis Starr, appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

Willis Starr, being first duly sworn, testified, as follows:

By the Commission:

Q What is your name? A Willis Starr.
Q How old are you? A I am about 60 according to my people, I don't know, I am about 60 this March.
Q Where do you live? A In Tahlequah.
Q Do you know a child by the name of Viola Starr that is an applicant in this case for enrollment? A Yes, sir.
Q How old is that child? A About four years old.
Q Who is the mother of Viola Starr? A Emma Starr.
Q Who is Emma Starr? A My daughter.
Q Emma Starr claims her right through you? A Yes, sir.
Q Who is the father of Viola Starr? A A young man by the name of Vann.
Q What is his other name? A Andy Vann.
Q Where does he live? A Over at Tahlequah; that is his home.
Q How old a man is Andy Vann? A About 35, I reckon.
Q Who is the father of ~~Xxxx~~ Andy Vann? A Creek Vann.
Q Who is Andy's mother? A Clora Vann.
Q Is Creek Vann a Cherokee freedman? A I think so, I reckon he is; they claim that.
Q Does Andy Vann claim to be a freedman? A O, yes.
Q Does Clora Vann claim to be a freedman? A Yes, sir I understand it.
Q Does Andy Vann recognize this child as his? A Yes, sir.
Q Is your daughter, Emma Starr, and him married? A No, sir. They are both married now, but they didn't marry each other.

By Mr. Hastings:

Q Is your daughter, Emma Starr, married? A Yes, sir.
Q What is her husband's name? A Dad Cooper.
Q Is Andrew Vann married? A Yes, sir.

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[illegible] TRIBES

Q They didn't marry each other? A No, sir.
Q They never lived together and kept house? A No, sir, I reckon they would have married, but I raised cain, but they would have married if it had not been for me, I guess.

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H. M. Vnace, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled case and that the above and foregoing is a true and correct translation of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 4th day of March, 1904.

Edward Merrick
Notary Public.

Cherokee Freedman D 645.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of VIOLA STARR as a Cherokee freedman.

It appears that on July 19, 1904, Willis Starr, grandfather of Viola Starr, and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on August 15, 1904, and then and there introduce further testimony touching the points mentioned in this letter.

APPEARANCES:
EMMA COOPER on behalf of the applicant.
Cherokee Nation by its attorney, W. W. Hastings.

EMMA COOPER, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Emma Cooper now.
Q How old are you? A About 24 or 25; don't know exactly.
Q What is your postoffice address? A Tahlequah.
Q You are the same person for whom Willis Starr made application for enrollment as a Cherokee freedman? A Yes, sir.
Q You are the daughter of Willis Starr? A Yes, sir.
Q You have a child, Viola Starr, is she living now and with you? A No, sir, living with my father.
Q Where is your father living? A In Tahlequah.
Q Who is the father of that child? A Andy Vann.
Q Where does he live? A Tahlequah.
Q How old is he? A I don't know.
Q Is Andy Vann a Cherokee freedman? A I couldn't tell you farther than the roll; that is all the evidence I know of.
Q What were the names of his parents? A Chlora Vann and Joe Vann, better known as Turk Vann, I believe.

Commission: The Commission's records show that the Andy Vann referred to has been listed for enrollment as a Cherokee freedman on straight card 624,-because and his name is found on the 1880 authenticated Cherokee roll.
Q You were notified to be here and introduce, if possible, the testimony of Andy Vann, is he here? A No, sir.
Q Have you any witnesses? A No, sir, nobody, but myself.
Q Were you ever married to Andy Vann? A No, sir.
Q Did you ever live with him as husband and wife? A On the quiet we did.
Q How long did you live with him? A I don't know, sir, exactly.
Q Were you living with him at the time this child was born? A We had a little spat and fell out and we wasn't living together at the time she was born; I was at my mother's then.
Q Did you live with any other man just before this child was born? A No, sir, not until afterwards, when I was married.
Q When were you married? A In October, I believe.
Q This last October? A I think it was in October.
Q What is your present husband's name? A Cooper, Bill Cooper.
Q Is he a Cherokee freedman? A Yes, sir.

By Mr. Hastings:
Q You didn't mean to say, Emma, that you and Andy Vann ever lived together and kept house together? A No, sir, we never kept house together.
Q You mean to say that he kept company with you before the birth of this child? A Yes, sir, we didn't pay attention to anybody else but each other at that time.
Q Andy Vann is married now? A Yes, sir.
Q And you are married also? A Yes, sir.
Q You only had this one child before you were married? A Yes, sir.
Q Did you ever try to get Andy Vann to come here to witness? A No, sir, I never tried to get him; he was at my house Saturday evening and asked me if I had enrolled him, and he said he guessed I wouldn't have any trouble and I never had any more to say to him.

By the Commission:
Q Does Andy Vann recognize this child of yours as his child? A Yes, sir, enough to buy for it.
Q Has he ever done anything towards supporting your child? A A little, not very much. I guess I am most too stiff to ever ask him to do very much.
Q Can you get Andy Vann in here if we will continue this case? A Yes, sir, I think so.

Commission: Continued by agreement until the 12th day of September, 1904, in order that the applicant may introduce the testimony of Andy Vann.

September 12, 1904: Appearances same as on August 15, 1904.

EMMA COOPER, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Emma Cooper, now.
Q What was your maiden name? A Starr.
Q What is your postoffice address? A Tahlequah.
Q What is your father's name? A Willis Starr.
Q And your mother's name? A Julia Ann.
Q Have you any children, Mrs. Cooper? A One.
Q What is its name? A Viola.
Q How old is Viola? A She is four years old past, as near as I can remember. I don't know exactly, I think that is right.
Q Where is Viola living now? A With my father, right in stone cast of me.
Q You mean by that near Tahlequah? A Yes, sir, in Tahlequah.
Q Where was Viola born? A In Tahlequah.
Q Who is the father of Viola Starr? A Andrew Vann.
Q Were you ever married to Andy Vann? A No, sir.

Mr. Hastings: No cross-examination.

ANDREW D. Vann, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Andrew D. Vann, better known as Andy.
Q How old are you, Mr. Vann? A 20 years old the 4th day of last August.
Q Where do you live? A At Tahlequah.
Q Are you acquainted with a woman by the name of Emma Cooper, formerly Emma Starr? A Yes, sir.
Q What was her father's name? A Willis Starr, I think.
Q Do you know where Emma is living? A Yes, sir.
Q Where does she live? A At Tahlequah.

Q Do you know a child she has by the name of Viola? A Yes, sir, I have seen it once or twice.
Q Do you know how old that child is? A The best of my knowledge about five years old, I guess.
Q Do you know where that child was born? A It was born in Tahlequah.
Q Where has it lived? A Tahlequah to the best of my knowledge.
Q I will ask you, Mr. Vann, if you know who is the father of Viola Starr? A No, sir, I couldn't say that I know; I couldn't swear that and be positive about it.
Q Did you ever live with the mother of Viola Starr? A I went with her several years.
Q Did you ever live together as husband and wife? A I didn't mean to say that, but of course I went in her company and had intercourse with her.
Q You never kept house with her, did you? A No, sir, never kept house with her.

By Mr. Hastings:
Q You never held her out to the community as your wife? A No, sir.
Q You and she never lived in the same house together as husband and wife? A Never have, no, sir.

By the Commission:
Q In answer to my question while ago you said that you didn't know whether you were the father of Viola Starr or not? A That is what I said, only what she claimed, of course I don't know.
Q You mean by she that is what the mother claimed? A Yes, sir, after the child was born she said it to me.
Q Was Emma Starr living or going with any other person during the time that you went with her? A No, sir, I was special company of hers at the time.
Q How long did you keep company with her as you claim? A From 1894 up until 1899 I went with her often and on, and I corresponded with her; I went with her between times; I never was at home only about three months at the time, because I was away to school often and on and come home and stayed about a month or something like that.
Q Were you going with her at the time this child was born? A No, sir, I were not, because Iwere in school.
Q Had you been keeping company with her the year immediately prior to the birth of this child? A I kept company with her up until about June 30, 1899; I came home about May 20, and I went with her once after I returned home.
Q That was June, 1899? A Yes, sir.
Q When was this child born, what time of the year? A I don't remember, myself, when the child was born, only what she told me; of course, I wasn't at home when the childwas born.

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H. M. Vance, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 28th day of September, 1904.

Notary Public.

Cherokee Freedmen D-865

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willis Starr, et al., as Cherokee Freedmen.

-:-

DECISION.

The record herein shows that on June 26, 1901, Willis Starr appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and minor children Jimmie, Lucy, Nora, Tyre and Emma Starr, as Cherokee Freedmen. July 12, 1901, an affidavit showing the birth on January 4, 1900, of Viola Starr, an illegitimate child of the applicant, Emma Starr, was filed with this Commission and made a part of the record in this case. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 20, 1901, and at Muskogee, Indian Territory, March 2, and August 15, 1904. Since the filing of the original application herein the applicant, Emma Starr, has been married to one William Cooper and she will now be listed for enrollment as Emma Cooper.

The evidence herein does not clearly establish that the principal applicant, Willis Starr, was the slave of a Cherokee citizen at the commencement of the Rebellion; but it is clearly shown that several years prior to the commencement of said Rebellion the said Willis Starr was taken from the Cherokee Nation, and that he did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al, for the return of Cherokee Freedmen to said Nation. The other applicants herein, except Viola Starr, are children of the said Willis Starr, and possess no rights to enrollment other than as descendants of their said father. None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Viola Starr, is an illegitimate child of the said Emma Starr, now Cooper, and one Andy Vann; and that she was born in the Cherokee Nation and has continuously resided therein since birth. The said Andy Vann is duly identified on the Cherokee authenticated tribal roll of 1880, and has been by this Commission, listed for enrollment as a

Cherokee Freedman, on straight card No. 644.

It is, therefore, the opinion of this Commission that the application for the enrollment of Willis Starr, Jimmie Starr, Lucy Starr, Nora Starr, Tyre Starr and Emma Cooper, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act below noted; and that Viola Starr should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman.

(SIGNED). T. B. Needles.

Commissioner

(SIGNED). C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,
JUN 16 1905

MOG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D 865.

Muskogee, Indian Territory, January 29, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Willis Starr, et al., for enrollment as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who is the father of Viola Starr, grandchild of Willis Starr.

The said Willis Starr has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday March 2, 1904, and introduce testimony as above requested. The Commission has especially requested that the testimony of the father and mother of this child be given. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

MOG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-865.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 19, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Willis Starr for the enrollment of himself, children and grandchildren as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the citizenship of the father of Viola Starr, grandchild of the applicant. It is especially desired that the testimony of the child's mother, and if possible, its father, be introduced.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, August 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Refer in reply to the following:
Cherokee Freedmen
D-865.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of Viola Starr, and rejecting the application for the enrollment of Willis Starr, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-112.

(C O P Y)

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47214-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. June 24, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Willis Starr for himself and his minor children, Simeis, Lucy, Nora, Tyre and Emma Starr and for Viola Starr, an illegitimate child of the applicant, Emma Starr.

June 16, 1905, the Commission decided favorably to Viola Starr and adversely to all the other applicants.

The record does not show that the principal applicant was the slave of a Cherokee citizen but it does show that he was living in the State of Texas at the beginning of the war of the rebellion and that he did not return to the Cherokee Nation on or before February 11, 1867. The other applicants, except Viola Starr, are children of Willis Starr and possess no rights to enrollment other than as his descendants. It is shown that the applicant, Viola Starr, is the illegitimate daughter of Emma Starr and Andy Vann; that she resides in the Cherokee Nation and has continuously resided therein. Andy Vann is identified on the roll of enrolled

Cherokee roll, but none of the applicants is so identified.

In view of the record the approval of the Commission's decision favorable to Viola Starr and adverse to all the others is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M.

W.

(C O P Y)

D. C. 46521-1905

I.T.D. 7774-1905

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DEPARTMENT OF THE INTERIOR

WASHINGTON.

October 19, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Willis Starr for the enrollment of himself and his minor children, Jimmie, Lucy, Nora, Tyre and Emma Starr, and for Viola Starr, an illegitimate child of Emma Starr, as Cherokee freedmen.

Reporting June 24, 1905, the Indian Office recommended that the Commission's decision, adverse to all the applicants, except Viola Starr, be approved.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

A copy of the Indian Office letter is inclosed.

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary.

1 inclosure

REFER IN REPLY TO THE FOLLOWING:
Cherokee Fr.
D-865.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 31, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of Willis, Jimmie, Lucy, Nora, and Tyra Starr and Emma Cooper, and granting the application for the enrollment of Viola Starr, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on the 19th day of October, 1905.

For your information, a copy of the decision of the Department above referred to is enclosed you herewith.

Respectfully,

Commissioner.

Encl. J-15

LAND
5438-1906

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

-Copy-

February 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 15, 1906, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Noah Langley for himself and his minor children, Lula and Leona Langley.

January 15, 1906, the Commissioner decided adversely to the applicants.

The records shows that on July 29, 1902, the Commission tothe Five Civilized Tribes rendered a decision denying the applicants enrollment and that on August 29, 1902 (I TD 4975-02) the Department affirmed the decision; that ther after, on March 25, 1904 (ITD 7142-03) the Department remanded the case for further testimony and readjudication.

The evidence shows that all the applicants are Cherokees by blood; that the minor applicants are children of the principal applicant, and one Lizzie H. Langley, a non-citizen of the Cherokee Nation; that the principal applicant is identified on the 1880 authenticated Cherokee roll and the Cherokee census roll

of 1896; that the principal applicant was born in the Cherokee Nation about 1861 and continuously lived therein until about 1885 or 1886, when he removed from the Cherokee Nation and except one winter, has since, up to and including September 1, 1902, continuously lived outside of the Indian Territory, and that since his removal, he has neither owned nor had control of any property situated in the Cherokee Nation; and that the minor applicants were born outside of the Indian Territory about the years 1895 and 1897, and up to and including September 1, 1902, had continuously lived with their parents since birth.

In view of the record and of the rulings of the department in the cases of Clara A. Ward (ITD 5878-04-3096-05), and Valnie E. Vann, et al.,(I.T.D. 1504-7486-05), the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

MMM

C. F. Larrabee
Acting Commissioner

C

(C O P Y)

D.C. 9463-1906

I.T.D. 1928-1906

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FILE

L R S

March 7, 1906

The Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory.

Sir:

January 15, 1906, you transmitted the record in the matter of the application of Noah Langley for the enrollment of himself and children , Lula and Leona Langley, as citizens by blood of the Cherokee Nation, including your decision of the same date, rejecting said application.

Reporting February 2, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
R 702

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated January 15, 1906, rejecting the application of Noah Langley for the enrollment of himself and children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 7, 1906.

For your information a copy of the Department's letter is inclosed herewith.

Respectfully,

Acting Commissioner

Incl. B-31

LMB

Cher Fr D 866

Cher Fr D 866

To be filed with case of Ruth Chinnett, C.F.-D.#866.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10, 1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

APPEARANCES:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

Q What is your name? A Joshua Holt.
Q How old are you? A 52.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880 then? A No, sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Well the second? A My wife, and children and self.
Q Where is your mother? A She is out there.
Q She can appear for herself? A She is so old she don't have any recollection, I think she is pretty near a hundred years old, and not able to give in hardly.
Com'r: You can let your mother come and apply, and you can be a witness for her.
Q Your wife and children, you say? A Yes, sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 32.
Q What are the names of your children? A Laura Holt.
Q How old? A 19.
Q Next one? A Ella Holt, 13.
Q Next one? A Jessie Holt, 10; Willard Holt, 9; Clifford Holt, 6; Marcelia, three months old.
Q That's six children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q What was your wife's father's name? A Anderson Johnson.
Q Was he a Cherokee freedman? A Yes, sir.
Q When did he die? A About 20 years.
Q What is her mother's name? A Dinah.
Q Is she living? A No, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is your wife's father's name on the roll of 1880? A No, sir.
Q You say your name is on the Kern-Clifton roll? A Yes, sir.
Q Is it on the Wallace roll? A Yes, sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
Page 147, #3639, Joshua Holt, Cooweescoowee district;
page 147, #3640, Laura Holt, Cooweescoowee district;
page 144, #3575, Jane Holt, Cooweescoowee district;
page 147, #3641, Ella Holt, Cooweescoowee district;
page 147, #3642, Jessie Holt, Cooweescoowee district;
page 147, #3643, William Holt, Cooweescoowee district.

Q You didn't draw for Clifford did you? A No, sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 117, #2476, Josh Holt, "District, Fort Scott, Kansas."
page 117, #2477, Jane Holt, "Fort Scott, Kansas."
page 117, #2478, Laura Holt, "Fort Scott, Kansas."

ESTHER HOLT, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Esther Holt.
Q How old are you? A Along about 86.
Q What is your post office? A Vinita.
Q What district do you live in? A Cooweescoowee.

APPLICANT recalled, and further examined: By Mr. Smith:
Q How old are you? A 52.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Bill and Nellie Holt.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes, sir.
Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A Andy Daugherty, my mother and two brothers.
Q What was your brothers name? A Tecumseh Holt and James Holt.
Q Where is James Holt? A I have not saw James Holt for twenty years.
Q You don't know where he is? A No, sir.
Q Where is Tecumseh Holt? A He is here somewhere.
Q Where does he live? A Vinita.
Q What is your mother's name? A Esther Holt.
Q What was your father's name? A Jonas Pack.
Q Where did he die? A He died when the emigrants left this Nation going to California about 1849.
Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point as the country is developed now? A I don't understand you.
Q I mean to say at what point on Big Creek did you come?
A Near about in the settlement you have reference to?
Q Yes? A Up there about where Reuben Johnson lives and Mike Whitmire.
Q Near what place is that now? A It was on George Duffin.
Q I mean as to what post office is it now? A Near Edna, Kansas.
Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post office is closer than Edna Kansas.
Q You think it is nearer that is now Hudson? A Yes, sir.
Q How long did you live there at that place you have mentioned?
A I lived there off and on and go there and work and come back again.
Q Well, you were then about how old? A I can't tell exactly how old I was about that time.
Q Were you married? A I was unmarried at that time.
Q When did you marry? A I married in 1899.
Q Were you ever married before that? A No, sir.
Q Were you a single man from '66 up to '99? A Yes, sir.
Q Do you mean '99, three years ago? A 1899.
Q Then you were mistaken when you said 1899? A Yes, sir, I was mistaken.

Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Emmelia? A They are living in Vinita.
Q How long have they been living there? A They have been living in Vinita I guess for 13 or 14 years.
Q They are living with you? A Yes, sir.
Q You stated that you worked around from place to place, where was your mother after you came back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.
Q Where does your mother live now? A Vinita.
Q How long has she been living at Vinita? A I guess 13 or 14 years
Q Was your mother a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q The same persons you have mentioned i n your own testimonyl
A Yes, sir.
Q Where was your mother when the Civil War commenced?
A Webbers Falls, Cherokee Nation.
Q Did she or did she not go out at the same time you did?
A She went out at the same time I did.

EXAMINED BY COM'R MEREDITH:

Q Do you live i n Vinita? A Yes, sir.
Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didn't appear at that commission.

BY MR. HASTINGS:

Q Your present wife is the only wife you have ever had? A Yes, sir.
Q You testified that you married her in 1889? A 1889.
Q Your oldest child is 12 years of age, you have given, Laura?
A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.
Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.
Q Did you then say anything about their being your step-children?
A I think I did, I am not certain.
Q What was your wife's maiden name? A Jane Johnson.
Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee district.
Q How old is she? A I think she is now about 32 years old, 30 or 32.
Q Who was her father? A Anderson Johnson.
Q Who was her mother? A Dinah Johnson.
Q Where did you marry her? A Cooweescoowee district, Big Creek.
Q Who married you? A Peter Haigs.
Q Does she claim to be a Cherokee freedman? A Yes, sir.
Q Freed woman? A Yes, sir.
Q Did she apply before to the Kern-Clifton Commission? A Yes, sir.
Q By what name? A In 1896?
Q Yes, sir? A Jane Holt.
Q Where did you move to Vinita from? A I were living at Big creek, and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Dawes Court.
Q But you came from Ft. Scott down to Vinita? A Yes, sir.
Q Did you bring your wife with you? A Yes, sir, we was up there working, I hadn't moved up there.
Q But your wife was with you? A Yes, sir.
Q What was you doing up there? A I was cooking up there.
Q Who for? A Man named W. M. [illegible].
Q He was living there was he? A Yes, sir.
Q Colored man? A No, sir, he was a white man.
Q How long had you been in Ft. Scott when you came to Vinita?
A 1889 I believe it was '88 or 9.

Q I say how long had you been up there when you come down to Vinita? A I don't know just how long.
Q Well, about how long? A I can't tell you. I come back before the Wallace taken the census.
Q You don't know how long you had been up there? A Not exactly.
Q About how many years? A I tell you I don't know.
Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.
Q Were you up there more than a year? A I don't think I was.
Q Hadn't you been up there ever since 1865? A Up in Ft. Scott.
Q Yes? A Why certainly not.
Q Then you deny positively that you were there more than two years?
A Yes, sir, I do, at a time.
Q Where was your oldest child, Jesse, born? A Jesse was born in Vinita.
Q Have you been living in Vinita since 1889? A Yes, sir.
Q All the time? A Except when I was out working.
Q Where were you out working? A I were out at Lawrence, working and I was at Pabla and I was at Weir City, Kansas, working.
Q Where else were you working? A I worked there at Chetopa.
Q Working in Ft. Scott? A Since '39?
Q Yes? A I don't think I have.
Q How much of this time since 1889? have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892.
Q How many years? A Well all the way along.
Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out aI tell you
Q I want to know how much time you have been working out?
A I could not tell you that, because I don't know, but altogether wouldn't make a year.
Q Where was your wife at that time, in Vinita all this time?
A She was in Vinita.
Q She never went out with you when you worked out? A Not since 1889 she hasn't.
Q Where was this next child Willard born? A In Vinita.
Q Where was the next, Clifford? A In Vinita.
Q Where was Manselia born? A Vinita.
Q All four of these children were born in Vinita were they?
A Yes, sir.
Q Who did you come down to the Cherokee Nation with after the war?
A Andy Daugherty.
Q Didn't Andy Daugherty have a place down there when you came?
A Yes, sir.
Q He had a house up? A Yes, sir.
Q He had a patch of corn in? A Had a little corn in.
Q When you come? A Yes, sir.
Q Who else had a house down there when you come? A I think Uncle Mike Whitmire had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
Q George Duffin? A I think so, I am not certain.
Q Was Uncle Peter Ward living down there then? A I don't know.
Q Was Reuben and Tuck Sanders? A Yes, sir.
Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.
Q Didn't all these people that you have mentioned have corn?
A I don't know; Uncle Andy Daugherty did, and I believe Whitmire did
Q What time did you come there? A In August.
Q How long did you remain when you come in August? A I must have stayed there about six or eight months before I went away.
Q Where did you go to? A I think I went to Lawrence I believe.

Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.
Q She came down with you did she? A When she first came from Kansas? Yes.
Q How long did she stay down there? A I don't know how long she stayed altogether.
Q How long did she stay before she went back? A She probably stayed a year.
Q Then she went down t o Ft. Scott? A Yes, sir, and worked a year and come back again.
Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.
Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and 5.
Q You didn't live in a Government building up there? A I didn't.
Q Did your mother? A Not as I know of.
Q You didn't live with her up there? A I was with her up there, in '64 and 5.
Q After that time were you with her? A I was with her at the Daugherty's when she was there.
Q Were you with your mother in '66 in Kansas? A I would see her up there when I was working up there and she were working up there.
Q Did you see her in Ft. Scott, Kansas? A Yes, sir.
Q What year was that? A I can't tell you.
Q Did you see her in '66? A We come down here in '66.
Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.
Q Did you see her in Ft. Scott, Kansas, in the year '67?
A No, sir,
Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68.
Q And you were there? A I think I come through Lawrence and I see her first one place and another.
Q And where was your brother, Tecumseh A I think he was living up there.
Q You never made a home in Kansas? A No, sir.
Q Never had one? A Yes, sir, I built one about two years ago.
Q You never had one on Big Creek? A No, sir, I come there with my uncle and never made a home until 2 years ago, I bui lt a home two years ago.
Q You never had a separate house there on Big Creek? A No, sir.
Q I want to know where you lived from '68 to '89? A Sometimes I lived on Big Creek. In 1885 I lived on Andy Daugherty's, and went to Vinita.
Q Where was your mother then? A She was at Daugherty's.
Q How much of this time has she lived at Daugherty's? A I don't know.
Q You know Jim Foreman A I do.
Q Did you ever know him in Ft. Scott? A I did.
Q Did you know him there in '68? A I knew him there in '64 and 5.
Q Do you know Simon McKinsey? A I did.
Q Did you know him in Ft. Scott, Kansas? A Yes, sir.
Q When did you know him? A '64 and 5.
Q Did you know him about '66? A I saw him after '66.
Q Did you see him about '66? A I saw William Foreman, I don't think I saw Simon.
Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.
Q Did you see him during the year of '66, '67, '68 or '9?
A I didn't see him in '66, and I never saw him in '67 or 9.
Q Did you see him in '68? A No, sir.

Q Were you in Ft. Scott during either of these four years?
A I think I were there in '68.
Q Where was that? A I think I worked there in '68 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh? A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.
Q Was your brother married? A Yes, sir.
Q Where did he marry? A In Oswego, Kansas.
Q State raised woman? A Yes, sir.
Q When? A Marriedih 1875.
Q What did you do down here in '66? A I didn(t do nothing in '66, there was nothing down here to do.
Q Nothing in '67? A I went out and worked; I never worked in here in those days.
Q You never made a crop in the Cherokee Nation? A No, sir.
Q Your mother there never kept house here separate? A No, sir.
By Com'r Needles: Is Jane your first wife? A Yes, sir.
Q Had she been marriedbefore she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names? A Laura and Ella Beason.
Q Where were they born? A Big Creek.
Q Big Creek in the Cherokee Nation? A Yes, sir.
Q Is that where you married her? A Yes, sir.
Q You mentioned about working in Kansas backwards and forwards, did you have your family with you while working in Kansas? A My family was with me up there in Ft. Scott, yes sir.
Q You worked in Ft. Scott and your family was with you? A Yes,sir
Q How long was that? A I can't tell you exactly, we went there in '89 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that?
A No, sir.
Q Since the Wallace roll then has your family always lived at Vinita? A Yes, sir. Except when my wife was out visiting; she went to Linn County, Kansas, once to see her grandmother, and took her children, and she went to Chetopa to see her people.
Q How long did she remain at those places? A I think she remained in Mound City, Kansas, ten days, and I don't know how long she stayed at Chetopa.
Q Before she went there was she keeping house at Vinita? A Yes, sir.
Q When she went up with these children did she abandon the house?
A I was at the house.
Q Did she take hoursehold furniture with her? A DIdn't take anything but a few clothes in a valise.
Q Did she come back to the same house? A Yes, sir.
Q And were you there? A I was there.
Q Jane your wife is a daughter of Dinah Johnson? A Yes, sir.
Q Is Dinah living? A No, sir, she is dead.
Q Andrew living? A He is dead.
By Mr. Smith: You say it was in 1889 that you went to Ft. Scott, Kansas after you were married? A Yes, sir.
Q And that you came back before the Wallace court? A Yes, sir.
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No, sir.
Q What had been your home up to the time you were married?
Mr. Hastings: I went to enter an objection to that; you ask him where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide about that question.
Mr. Smith: That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.
Q At whose house? A At Andy Daugherty.
Q Was he related to you? A My uncle.
Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.
Q Now after you were married and after 1889 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.
Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.
Q Where? A Vinita.
Q What kind of work did you morher do? A She was washing out and sometimes cooking.
Q Did you have sisters? A Yes, sir.
Q What were your sister's names? A Sallie and Bettie.
Q What is Bettie's name now? A Bettie Hicks.
Q Who was she married to? A Dennis Hicks.
Q Up to the time she married Dennis Hicks what was her chief occupation? A She worked around hotels and such work as that. Hired out.
Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.
Q Do you know of your own personal knowledge when Sarah came back? A No, sir.
Q You know whether they were slaves before the war? A Yes, sir.
Q Who did they belong to? A Bill and Nellie Holt, same man I did.
By Com'r Needles: You say you were living on Big Creek?
A Yes, sir.
Q No town there? A No, sir.
Q Were you a farmer? A No, sir.
Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and come back there for my home.
Q How long did you live there? A I pulled out from there in '85.
Q You made that your headquarters then? A Yes, sir.
Q Your uncle was a farmer A Yes, sir.
Q You didn't pretend to farm yourself? A No, sir.
By Mr. Hastings: How many brothers did you have? A Had four, three besides myself.
Q And your mother? A Yes, sir.
Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.
Q Your two brothers and your mother and yourself? A Yes, sir.
Q You never lived in separate houses? A No, sir.
Q Where was your sister Bettie married? A She was married in Vinita.
Q When? A I don't know how many years ago it has been since she got married.
Q Since you came there? A Since I have been in Vinita, yes sir.
Q Hadn't she ever been married before ? A No, sir, not to my knowing.
Q Where did she come from when she came to Vinita? A I don't know, she wasn't with us; she had been working down about Gibson, and places around there.
Q Your sister older than you? A Yes, sir.
Q Where is she living? A In Vinita.
Q How long has she been living there? A I don't know.
Q Since or before you moved there? A She has moved there since I moved there.

Q Where did she live? A She had been working down about Ft. Gibson, Tahlequah, or Tahlequah, I don't know whether she come from there or where.
Q When was the last time you saw her in Ft. Scott? A I don't know.
Q Since the war? A I think I have, but I am not certain.
Q Not positive? A No, sir.
Q She didn't live with you there in '67, 8 and 9? A No, sir, she never did live with me.
Q You know where she married? A No, sir.
Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Comm'r Needles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.
Q And her mother's name was Dinah? A Yes, sir.
Q Were they slaves? A Yes, sir, both of them.
Q Who did they belong to? A Anderson Johnson belonged to a Cherokee Named Per Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.
Q In Arkansas? A Yes, sir.
Q Slave of an Arkansas man? A Yes, sir.
Q Her father was owned by a Cherokee ? A Yes, sir.
Q And his wife was owned by a citizen of the State of Arkansas? A Yes, sir.
Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.
Q When did they return? A They moved to Big Creek in '66.
Q How do you know? A I was there, I lived close to them.
Q Was Jane born after that or before that? A She was born after they moved there.
Q I forget whether you stated your wife's father and mither were both living or not? A They are both dead.
Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.
Q Except when she was out with you? A Yes, sir.
Q You don't know whether she was married before you marriedher or not? A No, sir.
Q You know she had these two children? A Yes, sir.
Q Are these children living with you now? A Yes, sir.

By Attorney Smith: You know who was the reputed father of these two children? A I was said to be named Oscar Benson.
Q Is he living or dead? A Last I heard of him he was living.
Q By Comm'r Needles: Colored man? A Yes, sir.
Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.
Q Have you a certificate of your marriage to her? A No, sir, I just married by a preacher.
Q Who married you? A Peter Meigs.
Q Is he living or dead? A He is dead.
Q Is there anyone around the camps who saw you married? A The family was there, her two sistes were there, and I was to have them here, but they went on Fort Gibson.
Q There is no one here that saw you married? A No, sir.

By Mr. Hastings: How long had you known your wife before you married her? A I knew her from a child.
Q You know whether she lived with this man as husband and wife by whom she had the two children? A I know she lived with him, I don't know whether they were married or not.
Q How long did she live with him? A She may have lived with him four or five years.
Q She lived with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.
Q Lived in a house together with him? A Yes, sir.

Q You don't know whether they were married or not? A No, sir, I don't.
Q You lived at Webbers falls when the war came up? A Yes, sir.
Q You went out north? A Yes, sir.
Q Who did you go with? A Went out with the soldiers, soldiers come there at night and taken us out.
Q Were you living with Will and Hollis Holt at Webbers falls?
A Yes, sir.
Q Did they have children? A Yes, sir.
Q What were their names? A Tempy Whitmire, Johnson Whitmire's wife.
Q How far did you live from Webbers falls? A I lived about a mile and a half on the other side of Webbers Falls.

APPLICANT'S MOTHER re-called, and further examined.
By Mr. Hastings: Aunty, where do you live now? A Vinita.
Q Who do you live with over there? A I live with my son.
Q What is his name? A Tecumseh Holt.
Q Tecumseh got a wife? A Yes, sir, he has got a wife.
Q What is her name aunty? A Named Sarah Holt.
Q Got some children? A Got one.
Q How old is it? A I don't know.
Q About how old is it a child grown? A Yes, sir, it is grown.
Q Is the child married? A No.
Q Boy or girl? A She is a girl.
Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.
Q You were present when he married? A No, sir, I think he married in Oswego.
Q You wasn't there? A No, sir.
Q Now aunty, you came from Ft. Scott down to Vinita didn't you?
A Yes, sir, when I did come down there.
Q Now aunty, when did you come down there, how many years ago?
A My brother went up there and brough me down and three boys, went to get provisions, everything was very scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.
Q And you come did you? A Yes, sir, I come in his wagon.
Q Did he have a house here at that time? A Yes, sir.
Q He had a little field? A Yes sir, small field.
Q What was your brother's name? A Andy Gourdeaux.
Q There was other people living around in the neighborhood were t here? A Yes, sir.
Q About what time of the year was it, April, May, June, July, August, September, spring, winter, summer or what? A It has been so long I don't remember.
Q Warm weather or cold? A I don't know whether it was warm or cold.
Q How long had your brother been living down here when you came?
A I don't know, he was living down here and had the house built when he brought me down.
Q Been living here a year or two? A Been longer and maybe not so long, I don't know.
Q How long did you stay down here with your brother at that time?
A When he brought me down?
A Yes? A I stayed a year or two, I don't know.
Q Then you went back to Ft. Scott, did you? A Yes, sir, I went back to Ft. Scott.
Q What were you doing up at Ft. Scott? A Working around, trying to make an honest living.
Q You lived in a Government building didn't you aunty? A Yes, I rented up there, took in washing.
Q Before the war? A After the war.

Q Did you know James Foreman? A No, sir.
Q How long was it until you come down to visit your brother again? Did you ever see him any more? A After I went up there?
A Yes? A Yes, sir.
Q How long was it until you saw him again? A Five or six months, maybe seven or eight, I don't know.
Q You never had any home down here A No, I made my home with him.
Q Whenever you came? A Yes, sir.
Q Where were your boys when you went back up to Ft. Scott, were they up there with you? A Josh was cooking somewhere.
Q Was he cooking up there? (No reply.)
Q Did Josh ever have a wife before he got this woman, live with another woman as his wife? A Not that I know of.
Q Never had no children by any other woman A Not as I know of.
Q You were living up there in Ft. Scott when the Wallace payment was made wasn't you Andy? A No, sir.
Q Where were you? A I don't remember.
Q How long did you live up there at Ft. Scott after the war?
A I can't tell you.
Q You spend pretty near all your days haven't you auntie up to the Wallace court? A No, sir.
Q Did you work any down here before the Wallace Court? A No, sir, I haven't worked before the Wallace court, I have never been able broke up with the rheumatism.
Q About all the work you done was in Kansas? A I couldn't got no work here to do.
Q I say about all the work you done was in Kansas? A No, not all that I done.
Q Who did you work for down here before the Wallace Court?
A Oh I went around waiting on women, and come home and set down and laid down; when I was called I would go.
By Mr. Smith: How old are you, Aunt Esther? A About 85, that's the age they give me; I don't know my age; I was 16 years old the time the stars fell and the Commissioners have been trying to get my age from that, I don't know.
Com'r Needles: That was 1833 when the stars fell; I was there myself and saw them fall.
Q What was it you said about having rheumatism? A I said I have rheumatism so I can't do very much.
Q You live with one of your sons? A I live with Tecumseh.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A William Holtz and Nellie Holtz.
Q Were they Cherokee Indians? A Yes, sir.
Q Where did they live? A Webbers falls.
A How many children had you at the time the war commenced, besides Joshua? A Sallie and Betsy and Mosie and [illegible]
Q And who do you live with now A I live with [illegible]
Q Was Tecumseh born before the war or after? A [illegible] the war.
Q Is Bettie married now? A Yes, sir.
Q Who is she married to? A Dennis Hicks.
Q Where is she living? A In Vinita.
Q What is Sallie named? A Sallie Miller, she married a man named Miller.
Q And lives at Vinita? A Yes, sir.
Q Were these children whose names you gave born slaves? A Yes, sir.
Q Who did they belong to? A William Holtz.
Q Same person you belonged to? A Yes, sir.
Q What was it you said about your brother [illegible] Kansas, and about a treaty? A He went up there to [illegible] everything in this nation was scarce at that time; he [illegible]

they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.
Q Who did he bring of your family? A Joshua, Tecumseh and Jimmie.
Q And you? A Yes, sir, brought four.
By Mr. Hastings: Bring your daughter Nellie? A No, sir, she was down here long before I was.
Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in Ft. Gibson and about Big Creek somewhere.

APPLICANT, JOSHUA HOLT, re-called, and examined by Com'r Needles:
Q Esther Holt your mother? A Yes, sir.
Q She is the witness that's on the stand here now? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q They Cherokee citizens? A Yes, sir.
Q She went to Kansas didn't she? A Yes, sir.
Q When did she return? A '65.
Q Returned with you? A Yes, sir, and my uncle and two brothers.
Q Where has she been living ever since that? A She lived on Big creek a while, and she has been living in Vinita.
Q She never got back to Kansas afterwards? A Yes, sir.
Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big creek again.
Q Did she have a home in this Nation? A No, sir.
Q Who was she living with? A Either another up on Big creek except when she was working out.
Q Was she married then? A No, sir.
Q Her husband wasn't living then? A No, sir.
BY MR. HASTINGS: Now long has Recumseh been living in Vinita?
A I don't know how long he has been living in Vinita.
Q Well, your best judgment, has he lived there five years?
A Yes, sir, I guess he has been living this time three to ten years, I can't tell.
Q You know where he came from? A I think he had been working on a railroad.
Q Where? A Down on this line, (indicating.)
Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

M. D. Green, being first duly sworn, [illegible] as stenographer to the Commission to the Five Civilized Tribes, hereby certify that I recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) [illegible]

Subscribed and sworn to before me this [illegible] day, [illegible]
(Signed) [illegible]
[illegible]

CONTINUATION OF THIS CASE THURSDAY [illegible] J. D. [illegible].

JOSHUA HOLT, et al., Application continued. Former portion reported by Stenographer M. D. Crane.

APPEARANCES:
Messrs. Mellette & Smith, for Applicants;
Mr. V. W. Hastings, for Cherokee Nation.

MOSES RILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith, of Counsel for Applicants:

Q State your name? A Moses Riley.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Not very well acquainted with his mother, I knew her.
Q How long have you known him? A I don't know, sir, how long I have known him exactly.
Q How old are you? A 61.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war? A First time I saw him I saw him at his uncle's place on Big creek.
Q When was that? A It was some years ago. I don't know just exactly how long it was.
Q Who was this uncle? A Andy Daugherty.
Q Well give us your best idea, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it might have been 21 years ago.
Q You hadn't known him before that? A No, sir.
Q You don't know who he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q State your name? A Columbus McNair.
Q How old are you? A 51 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him.
Q How long have you known him? A I have known him ever since he was a baby.
Q Did you know him before the war? A I knew him just a little before the war came up.
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.
Q Was William Holt a Cherokee Indian? A Yes, sir.
Q Do you know what became of [illegible] before the war? A No, sir, I don't know nothing about him.
Q When did you first see him back in the Nation after the war? A Well, sir, I just can't remember what year it was I saw him back.
Q Well, where did you see him when you saw him back? A The first time I saw him after the war was up here in Vinita.
Q At what place? A Goodnight House.
Q Do you know how long [illegible] before 1880?
Q Do you know how long before 1880? A No, sir.
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.
Q Do you know where he was in 1860? A No, sir, I don't.
Q Did you know his mother, Esther Holt? A Yes, sir, I was acquainted with her.
Q Do you know where she was in 1855? A No, sir, I don't.

BY MR. HASTINGS:

Q Where did you live before the war, Columbus? A Right across Grand river in Saline district.
Q Where did Joshua Holt and hismother live? A In Illinois district.
Q How far was that from you? A When I got acquaintedwith them I was working at John Daniels' in Canadian district.
Q How far were you working from him? A Just across the river there at John Daniles at the old place.
Q You were working there when the war came up? A Yes, sir.
Q And you knew those people? A Yes, sir.
Q You didn't see them for years after the war? A No, sir.
By Com'r Needles: Did you know Joshua's wife's father and mother? A Yes, sir.
Q What was their names? A Anderson Johnson was her father and Dinah was her mother.
Q Were they slaves? A Anderson Johnson was; I don't know anything about their mother.
Q Do you know whether they were married or not? A No, sir.
Q Do you know they lived together as man and wife? A Yes, sir.
Q How long? A I can't say, they were living together when I saw him.
Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.
Q Where was that? A It was on Big creek when I got acquainted with him.
Q After the war? A Since the war.
Q You never knew them at all before the war? A No, sir.
Q You know Jane you say? A Yes, sir.
Q Where was Jane living when you first knew her? A She was living there with her father.
Q Was she married? A No, sir.
Q Living with her father Anderson? A Yes, sir.
Q Do you know whether Anderson went out of the Nation during the war? A I wasn't acquainted with him.
Q Don't know whether he went and when he came back? A No, sir.
By Mr. Hastings: Did you ever know Joshua Holt in Fort Scott? A No, sir.
Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.
Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 13 years anyway.
Q How long has his mother? A She has been there about as long as he has.
Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.
Q The Wallace court was in 1889 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the Applicant, recalled. By Com'r Needles:
Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.
Q In what army? A In the 44th or 48th United states Infantry Colored, 48th I think.
Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.
Q When did he return to the Cherokee Nation? A '66.
Q How do you know that? A I saw him on Big creek.
Q In '66? A Yes, sir.
Q Was his wife living there with him then? A Yes, sir.
Q Jane your wife living with him? A She was born on Big creek.
Q You saw him there in '66? A Yes, sir.
Q Was he there when you come or you come before him? A He was there when I come.

COM'R NEEDLES:--Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Beason, and his own four children, Jessie, Willard, Clifford and Maucelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, are identified upon the Kern-Clifton roll. His two children, Clifford and Maucelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Beason, and his four children, to-wit: Jessie, Willard, Clifford and Maucelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two children's Clifford and Maucelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

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J. O. Rosson, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the test mony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.
(Signed) T. B. Needles,
Commissioner.

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Supplemental Testimony in C.F. D.#644.

Joshua Holt et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 29th, 1901.

Mellette & Smith, Attorneys for applicants present;
W. W. Hastings, present for the Cherokee Nation.

DANIEL SANDERS, being sworn by Commissioner T. B. Needles, testified as follows, for the applicant: By Mr. Smith:

Q What is your name? A Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes, sir.
Q Do you know Dinah Johnson? A Yes, sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson Johnson? A In the army.
Q Where did you first know hiw wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes, sir.
Q Who did he belong to? A Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Funkhousen family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes, sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vinita.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.
Q Now is that Mary or Jane? A Jane, yes, it is Jane.
Q Who is the oldest then? A Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Hoshua Holt? A Yes, sir.
Q Do you know where Jane was born? A In the Cherokee Nation.
Q Close to where you live? A Yes, sir, 6 or 7 miles.
Q Don't you know where Mary was born? A Myst have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other one? A I don't know.
Q Would you know it if you heard it? A Yes sir.
Q Was it Ruth? A Yes, sir.
Q Where were these children born and raised? A On Big creek mostly.
Q How long has Jane been married to Joshua Holt? A Ten years or longer.
Q Do you know when Anderson Johnsn came back to the Cherokee Nation? A Yes, sir, In '66 with us.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Are they living or dead? A Both dead.
Q Where did they die? A Anderson got killed close to where he lived.
Q How long ago was that? A I think it was in '78.
Q How long did Anderson and Dinah live together there? A Until he died.
Q From what time? A I don't know just exactly when he married. Must have been in the fall of '65.
Q And from that time until he was killed they lived together? A Yes, sir.
Q Did they keep house up there? A Yes, sir.
Q Were they received in your community as man and wife? A Yes, sir, I never knowed any difference.

Q What time of the year was it that Anderson Johnson came back here? A Long in August '66.
Q What part of the nation did he come to? A Big Creek.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q On the roll of 1880? A Yes, sir.
BY HASTINGS: Did you know Johnson's wife before the war?
A No, sir.
Q She was a white raised woman? A Yes, sir.
Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.
Q What was his name? A Rube Funkhouse.
Q Did she have any children before she and Anderson Johnson married?
A No, sir.
Q How old was she when they married? A She wasn't very old.
Q Were they married in Kansas? A I think so.
Q Did he bring his wife with him when he came with you folks?
A Not the first time.
Q What time was it that he came down with you, what time of the year? A Long in '66, long in the month of August.
Q Was that when some of you men folks came in advance?
A Yes, sir.
Q Did you have your family with you? A No, sir.
Q They all went back afterwards and brought their families?
A Yes, sir.
Q When did Anderson Johnson bring his wife there? A I don't know just exactly when it was.
Q Can't you be positive as to whether that oldest child was born in the Cherokee Nation or in Kansas? A In the Cherokee Nation, I think. I never heard of her having any children in Kansas.
Q How far did he locate from you? A 7 miles, between 5 and 7 miles close to Albert Morris.
BY SMITH: What time did Anderson Johnson bring his wife down there? A I don't know exactly the time, shortly after that, shortly after he came himself.
Q What is your best judgment? A Not long after he came himself.
Q As much as six months? A Can't have been any longer.
BY HASTINGS: This woman has had some children born to her since her first husband was killed? A I think so, one.
Q What is that child's name? A I don't know, it is a boy.
Q How long after her husband's death before this boy was born?
A I can't tell you that.
Q Two or three years? A Yes, sir, I guess so.
Q He is about grown now? A I haven't seen him for quite a while.
Q Don't know his name? A No, sir.

RUBEN SANDERS called and sworn as a witness for the applicant. By Smith:
Q What is your name? A Ruben Sanders.
Q Where do you live? A On Big Creek.
Q Are you a citizen of the Cherokee Nation? A I am.
Q On the roll of 1880? A I am.
Q Do you know Anderson Johnson? A I did.
Q Did you know a woman named Dinah Johnson? A Yes, sir.
Q Do you know what relation they were to each other? A She was his wife.
Q When did you get acquainted with Anderson Johnson? A When he came out of the army.
Q When did he come to the Cherokee Nation after the war? A Came in our wagon.
Q When? A Long in the summer of '66.
Q Was he married then? A He was not.
Q When did you first become acquainted with his wife? A [illegible]

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.
Q Where do you live? A On Big Creek.
Q How far did you live from where Anderson Johnson was killed?
A About 7 miles.
Q Did they have any children, Anderson and Dinah? A They had several.
Q Any girls? A Yes, sir.
Q Do you know the name of the oldest girl? A I don't know if I do or not.
Q What are the names of those you remember? A Mary, I don't know much about the girls.
Q Do you know if any of these children are married? A One is married to Josh Holt.
Q Where does she live? A In Vinita.
Q How long did Anderson and Dinah live together? A From the time they married until he was killed, I don't know exactly the number of years.
Q How long since he was killed? A I think about 16 years.
Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.
Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.
Q How were they recognized by the neighbors there? A As man and wife.
Q Do you know when these children of theirs were born? A No, sir.
Q Were they born while they were living together as man and wife?
A Yes, sir.
Q Where were they born? A On Big Creek, there where they lived.
Q In the Cherokee Nation? A Yes, sir.
Q Do you remember which one of the girls, Josh Holt married? A No, sir, I don't believe I remember her name.
Q Do you know whether she is the oldest child or not? A No, sir, I don't.
Q Do you know whether she was born? A No, sir, not exactly, but to my best judgment they was all born in the Cherokee Nation on Big Creek.

By Hastings: With whom did Anderson Johnson first live when he came down here? A Where I live.
Q You all first came down in August and then went back?
A Yes, sir.
Q You say Anderson wasn't married then? A No, sir.
Q His wife was up in Kansas then? A She wasn't his wife at that time.
Q The woman that he afterwards married was in Kansas then?
A Yes, sir.
Q He afterwards went up there and married her? A Yes, sir, and then brought her back with him.
Q Did you know his wife before she married him? A Yes, sir.
Q Where did she live? A There in Fort Scott.
Q And your recollection is that some 4 or 5 years after you all came down that she came here as Anderson Johnson's wife?
A Yes, sir.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is

a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 15th of July, 1901.
(Signed) T. B. Needles,
Commissioner.

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To be filed in case of Jane Holt, et al., C.F.D.-644.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Ruth Chinnett for the enrollment of herself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:
Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

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SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Brown:

Q What is your name? A Sam Webber.
Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes, sir.
Q You know whether they were ever married or not?
A I couldn't tell you about the wedding, they were living together as man and wife.
Q So recognized by the community? A Yes, sir.
Q Were they living together as man and wife at the time this applicant was born? A Yes, sir.
Q You know this girl's sister, Mary Johnson? A Yes, sir.
Q At the time she was born were they living together as man and wife? A Yes, sir.
Q Did you testify for Jane Holt in the Joshua Holt case? A I did 5 years ago, I didn't this time.
Q You testified a while ago in the Mary Johnson case? A Yes, sir.
Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to unless they asked me.
Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her somewhere and brought her there; I don't know where he married her.
Q When was it? A I don't believe I can tell you just when that was.
Q How long after the war was it? A I couldn't tell you that and be positive in it.
Q Was Anderson Johnson married when he first came there?
A No, sir, he was a single man.
Q It was sometime after that when he married? A Yes, sir.
Q Had he been married up to that time? A Up to what time?
Q Up to the time he first came up there after the war in '66 as you testified a while ago? A He was single when he come down.

Q You don't remember how long after that when you saw him living with this woman? A No, sir, I couldn't say positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.
Q You remember just what year he got killed? A No, sir.
Q You don't remember just about how long after he come down there? A No, sir.
Q The circumstance of his getting killed isn't as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.
Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, of of course I didn't rtry.
Q I am not asking you, Mr. Webber, the exact date, but how long ago, now when they first began living together, but about how many years ago are you willing to testify you saw them living together? A I don't know, I couldn't be positive about that.
Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have ay
Q Do you have any idea how old this woman is, (indicating applicant
A No, sir, not exactly.

By Com'r Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.
Q Did they raise a family there? A Raised them right there on the creek, three children.
Q While they were living togetheras man and wife they raised a family? A Yes, sir.

By Mr. Hastings: You don't know where he got the woman? A No, sir, I couldn't tell you.
Q How far did they live from you? A About 10 mile's I guess, as near as I can guess at it.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 144, #3581, Chinnett, Holt, Cooweescoowee district.

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SAM WEBBER, witness, recalled and further examined: By Mr. Smith: (Of Mellette & Smith,)
Q Did you know Jane Holt? A Yes, sir.
Q Whose wife is she now? A John Holt's.
Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.
Q And the mother? A Dinah I said.

MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with D 644.

o o o o o o o

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.
(Signed) M. D. Green.

Subscribed and sworn to before me this August 27th, 1901.
(Signed) T. B. Needles,
Commissioner.

J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing and that same is a true and complete copy of the original testimony and proceedings in the above case.

J. O. Rosson

Subscribed and sworn to before me this September 12th, 1904.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26,1901.

In the matter of the application of Ruth Chinnett for the enrollment of herself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Louis Brown, for the applicant;
Mr. W.W. Hastings, for the Cherokee Nation.

Q What is your name? A Ruth Chinnett.
Q How old are you? A About 25.
Q What is your post-office address? A Mt. Gibson.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A 2 children.
Q What are the names of your children? A Martha Chinnett.
Q How old? A 10 years old.
Q What is the name of the next one? A Lillie.
Q How old is Lillie? A 6 years old.
Q Are you married? A Yes.
Q What is your husband's name? A Harris was George Chinnett.
Q Is he a citizen? A No sir.
Q What was your father's name? A Anderson Johnson.
Q What's your mother's name? A Dinah Johnson.
Q Your father living? A No sir.
Q Your mother living? A No sir.
Q Were you ever married before you married Chinnett? A No sir.
Q Where were you born? A On Big Creek.
Q Where is that? A In the Cherokee Nation.
Q Where have you lived since your birth? A On Big Creek there.
Q All the time? A And in Vinita.
Q That in the Cherokee nation? A Yes sir.
Q Where were the 2 children born? A One born in Locust Grove in the Cherokee nation.
Q And the other one? A Born in Adair.
Q That in the Cherokee nation? A Yes sir.
Q Have you any sisters? A Yes sir.
Q What are their names? A Mary Johnson and Jane Holt.
Q Your sister Mary Johnson the one who applied here a few moments ago? A Yes sir.
Q Your sister Jane Holt, the wife of Joshua Holt, who applied for enrollment at Chelsea? A Yes sir.

BY MR. HASTINGS:

Attention is called by the Representatives of the Cherokee Nation that no marriage has been proved between the reputed father and mother of this applicant.

NELSON MURRELL, being sworn by Commr Needles, testified as follows:

BY MR. BROWN:

Q State your name? A Nelson Murrell.
Q Mr. Murrell, did you know Anderson Johnson and Dinah Johnson, who was reputed to be the mother and father of the applicant here, Ruth Chinnett? A Yes sir.
Q When did you first know them after the war? A Which, the children or the father?
Q The father and mother? A I knowed them right after the war, about in '70.
Q Are they living or dead? A Dead.
Q From the time you knew them in '70 until their death do you know whether or not they lived together as man and wife? A Yes sir.
Q Did they or did they not? A They did.

Q Were they living together as man and wife when the applicant here, Ruth Chinnett was born? A Yes sir.

BY MR. HASTINGS:

Q You know how old the applicant is? A No sir.
Q You know when she was born? A No sir, don't know exactly.
Q Was she born in '70 when you knew them? A Yes sir, no, she was born then, yes sir.
Q What was her father's name? A Anderson Johnson.
Q What was her mother's name,? A I don't know exactly what her mother was named.
Q You don't know her mother? A I knew her mother, but I couldn't tell exactly her name.
Q First time you remember seeing them was in '70? A Yes sir.
Q Where were they at that time? A On Big Creek, Cherokee nation.
Q Where did you live at that time? A On Snow Creek.
Q How far was Big Creek from Snow Creek? A About 15 miles.
Q How big was this child when you saw them first? A Small children.
Q About how old? A Well I suppose she was about 2 or 3 years old, I want say positive.

SAM WEBBER, being sworn by Com'r Woodlee, testified as follows:

BY MR. BROWN:

Q What is your name? A Sam Webber.
Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes sir.
Q You know whether they were ever married or not? A I couldn't tell you about the wedding, they were living together as man and wife.
Q So recognized by the community? A Yes sir.
Q Were they living together as man and wife at the time this applicant was born? A Yes sir.
Q You know this girl's sister, Mary Johnson? A Yes sir.
Q At the time she was born were they living together as man and wife? A Yes sir.
Q Did you testify in Jane Holt in the Joshua Holt case? A I did 5 years ago, I didn't this time.
Q You testified awhile ago in the Mary Johnson case? A Yes sir.
Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to unless they asked me.
Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her some where and brought her there, I don't know where he married her.
Q When was it? A I don't believe I can tell you just when that was.
Q How long after the war was it? A I couldn't tell you that and be positive in it.
Q Was Anderson Johnson married man when he first came there? A No sir, he was a single man.
Q It was some time after that when he married? A Yes sir.
Q Had he been married up to that time? A Up to what time?
A Up to the time he first came up there after the war in '66 as you testified awhile ago? A He was single when he come down.
Q You don't remember how long after that when you saw him living with this woman? A No sir, I couldn't say positive, but they was living together as man and wife on the Creek there when he got killed, and had been for several years.
Q You remember just what year he got killed? A No sir.
Q You don't remember just about how long after he come down there? A No sir.
Q The circumstance of his getting killed isn't as great as the

circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.
Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, and of course I didn't try.
Q I am not asking you, Mr. Webber, the exact date, but how long ago, not when they first began living together, but about how many years ago are you willing to testify you saw them living together? A I don't know, I couldn't be positive about that.
Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have any.
Q Do you have any idea how old this woman is,(indicating applicant) A No sir, not exactly.

BY COM'R WEEDLES:

Q Well Mr. Webber how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.
Q Did they raise a family there? A Raised them right there on the Creek, three children.
Q While they were living together as man and wife they raised a family? A Yes sir.

BY MR. HASTINGS:

Q You don't know where he got the woman? A No sir, I couldn't tell you.
Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Vern-Clifton pay roll of citizens of the Cherokee nation examined and applicant identified on page 144 #3581 Chinnett, Holt, Coweescoowee District.

Applicant, RUTH CHINNETT, re-called, and further examined:

BY COM'R WEEDLES:

Q Did you ever draw money for these children? A No sir.
Q You drew for yourself? A Yes sir.

WITNESS SAM WEBBER, re-called, and further examined:

BY MR. SMITH: (Of Hollotte & Smith)

Q Did you know Jane Holt? A Yes sir.
Q Whose wife is she now? A Josh Holt's.
Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.
Q And the mother? A Dinah I said.

MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with D 644.

LILA JOHNSON, being sworn by Com'r Weedles, testified as follows:

BY MR. BROWN:

Q State your name? A Lila Johnson.
Q What is your post-office address? A Wimer.
Q You know the applicant here, Ruth Chinnett? A Yes sir.
Q You know her sister, Mary Johnson? A Yes sir.
Q Did you know their father, Anderson Johnson and Dinah Johnson?
Q I didn't know their father, I knowed their mother.

Ruth Chinnett et al 4

Q You know whether her ~~mu~~ father and mother ever married or not?
A I couldn't tell you that. Her father was killed before me and her uncle married.

Com'r Needles: Ruth Chinnett applies for the enrollment of herself and 2 children, Martha and Lillie, Martha 10 and Lillie 6; they cannot be identified upon any rolls of the Cherokee Nation except the Kern-Clifton pay roll, which is fully identified according to page and number of the roll as indicated in the testimony; the names of her 2 children cannot be identified upon any of the rolls of the Cherokee Nation; she avers that she is a child of Anderson Johnson by his wife, Dinah; she avers that she is a sister of Mary Johnson, and of Jane Holt, and her attorney prays that the testimony taken in the matter of the application of Mary Johnson, D card 864, and Jane Holt, D 644, be made a part of the record in the case at bar, and a copy of the testimony in said cases will be filed herewith; and now comes the attorney for Joshua Holt, and prays that a copy of the testimony of Sam Webber taken in the matter of the application of the applicant be made a part of the record in the case of said Jane Holt, wife of Joshua Holt, whowas listed for enrollment on D 644, and same will be done, and a copy of said testimony of Samuel Webber is ordered filed with D 644; it will be necessary for the applicant to make satisfactory proof of birth of her said2children , Martha and Lillie; she is identified upon the Kern-Clifton roll as Chinnett Holt; said Ruth Chinnett and her 2 children, Martha and Lillie will now be listed for enrollment as Cherokee Freedmen on a doubtful card; she will be notified by mail of the decision of the Commission when arrived at.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctlyrecorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 9,1901.

Commissioner.

To be filed in the case of Ruth Chinnett, et al, CFD-866.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26th, 1901.

In the matter of the application of Mary Johnson for enrollment as a Cherokee Freedman; she being sworn by Commissioner T.B.Needles testified as follows:

W.W.Hastings, Cherokee representative-

Lewis T. Brown, agent for applicant;

By Com'r Needles;
Q What is your name? A MaryJohnson.
Q What is your age? A 24.
Q Whatis your post-office address? A Vinita.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who else do you desire to have enrolled besides yourself? A Just myself.
Q Whatis your fathers name? A Anderson Johnson.
Q Is your name on the roll of 1880? A No sir.
Q What is your mothers name? A Dinah.
Q Are your father and mother living? A Yes sir.

By L.T.Brown;
Q Where were you born? A On Big creek.
Q Where have you lived all your life? A At Vinita and Big creek.
Q Do you claim your citizenship through your father? A Yes sir.

By Hastings-
Q Are you married? A Yes sir I have been married.
Q Where did you marry? A At Vinita.
Q Whatis your husbands name? A Lafayette Starr.
Q And you claim your citizenship through your father? A Yes sir.
Q Where does your father live? A He is dead.
Q Where did he die? A On Big Creek.

Sam Webber, being sworn as a witness for the applicant, testified as follows-

By Brown-
Q Whatis your name? A Sam Webber.
Q Whatis your age? A 58.
Q Whatis your post office address? A Nowata.
Q Did you know AndersonJohnson, the father ofthe applicant here, MaryJohnson, during his life time? A Yes sir.
Q Was he a slave at the beginning of the Civil war? A Yes sir.
Q To whom did he belong? A Belonged to a man named Ben johnson.
Q Was Ben johnson a citizen of the Cherokee Nation, by blood? A Yes sir.
Q Did Anderson Johnson be a e this country during the Civil war? A Yes sir.
Q When did he return? A Come back here in the summer of '66
Q With whom did he return? A With us.
Q Didhecontinue to reside here until he died? A Yes sir, he got killed, his youngest brother shot him.

By Hastings-
Q Where did Ben johnson live directly before the war came up? A I was only at hishouse once.
Q Whatkind of a house did he live in? A Log house.
Q Was it a double log house? A I cant say as to that, I got there one night and stay all night and left the next morning.
Q Did he have a wife? A Yes sir.
Q Do you know her name? A No sir.
Q Did he have any children? A Yes sir.

Q Do you know their names? A No sir.
Q Near what town did Ben Johnson live? A I cant tell you that.
Q What district did he live in? A I cant tell you that either.
Q How far was it from where youlived? A I cant tell the miles, I was just rambling through the woods hunting cattle when I went there.
Q How old was Anderson Johnson whenthe war came up? A I cant tell you that.
Q How old was Ben Johnson when you were there? A I cant tell you as to that either.
Q When was Anderson Johnson killed? A I cant tell youthe year, 4, 5, or 6 years after he got there.
Q He was always disputed wasn't he, never was recognized by the Nation? A I never heard him say nothing about it.
Q You are the man that came down to Fort Gibson in '65? A Yes sir.
Q That was when your father and some other men went up to see Chief Downing? A Yes sir.
Q And you took up with some woman down there at Fort Gibson and you and she and some others wintered up on the Verdigris river? A Yes sir.
Q You never told this five years ago did you? A No sir.
Q Where did Anderson johnson locate when he came here first? A He came and drove one ofmy teams and stopped with us and went back and then located up above us on the Creek.
Q How long after you all came down together before he came back and located himself? A I cant tell exactly how long it was, he came with us in July and went back and came again in the fall.
Q Did his mother come with him? A Yes sir.
Q How far did he locate from you? A 10 miles.
Q Was that ~~his mother~~ on Big Creek or Snow Creek? A Big creek.
Q What was his mothers name? A I dont know that.
Q did she go by the name of johnson? A Went by the name of Stratton she was a widow, this one always called herself Johnson.
Q How long did he live there until he was killed? A 4, 5, 6, or 7 years.
Q Did you testify for this girl five years ago before the Kern Clifton Commission? A Yes sir.

By Brown-
Q Anderson johnson died before the 1880 authenticated roll was made did he not? A Got killed before that.
Q Are you a recognized Freedman citizen of the Cherokee Nation?
A Yes sir.
Q Is your name on the authenticated roll of1880? A Yes sir.

By Hastings-
Q Where was Anderson Johnson killed? A On Big creek he was putting up hay and his brother come there and shot him.

LEWIS WHITMIRE, called and sworn as a witness for the applicant.

By L.T.Brown-
Q Whatis your name? A Lewis Whitmire.
Q Whatis your age? A 62.
Q Whatis your residence? A On Lightning creek.
Q Are you a recognized Freedman citizen of the Cherokee Nation?
A Yes sir.
Q Is your name on the 1880 authenticated roll of the Cherokee Nation? A Yes sir.
Q Do you know Anderson johnson, the father of Mary Johnson, the present applicant, during his lifetime? A Yes sir.
Q Was he a slave? A Yes sir.
Q Who did he belont to at the beginning of the Civil war? A To Ben johnson.

Q Was Ben johnson a citizen of the Cherokee Nation by blood? A Yes sir.
Q Did Anderson johnson leave this country during the Civil war?
A Yes sir.
Q When did he return here? A With Sam Webber and his father in the summer of '66.
Q Did he continue to live here from the time he came until he was killed? A I never knew him to leave until he got killed.
Q Where did you live before the war? A In Going snake district.
Q Where did Ben Johnson live then? A 7 miles from me.
Q What kind of a house did he live in? A In a good log house boxed up withlumber.
Q What was Ben johnson's wife's name? A I have forgotten it.
Q Did he have anychildren? A Had a whole lot.
Q Name some of them? A Anderson, Ben, George, Jim; I cant call the girls names.
Q You came here yourself first when? A In the fall of '66.
Q What time of thefall? A I can't exactly tell the time it was
Q How late in the fall? A Well it was cold weather.
Q Near Christmas? A Must have been a month from Christmas.
Q You camped there first? A Yes sir.
Q How far was it from where Johnson located? A 12 miles.
Q How far from where Sam Webberlocated? A 10 miles.
Q How far was Johnson's place from Webbers? A 3 or 4 miles.
Q Was you a witness for this girl five years ago? A Yes sir.

By Brown of the applicant-
Q Do you know JoshWolt,A Yes sir.
Q Do you know his wife,Jane? A Yes sir.
Q What relation is she to you? A My sister.
Q Same mother and same father?A Yes sir.

By Commission-
Q Is your name on any of the rolls of the Cherokee nation? A Yes sir on the Wallace roll.
Q Not on the 1880 roll? A No sir.
Q Did you draw strip money? A Yes sir I drawed three times.

Applicant not found on the 1880 or 1896 rolls.

Kerns Clifton roll examined and applicant found as follows-
Page 144, No. 3580, Mary Johnson, Coowescoowee district.

Q Who do you claim to be your sister? A Jane Holt
Q Where were you born? A On Big Creek.
Q Cherokee Nation? A Yes sir.
Q Have you lived here all your life? A Yes sir.
Q Are you married? A Yes sir.
Q Who to? A Fay Starr, am seperated fromhim now.
Q Have you any children? A No sir.
Q Then your name is Starr isn't it? A Just by marriage.
Q Do you want to be enrolled as Starr or johnson? A I dont know I guess johnson.

By Hastings-
"Special attention is called to the fact by the representatives of the Cherokee Nation that no marriage is proved between the mother and the alleged father of the applicant."

By Com'r Needles,-
Applicant applies for herself; she cannot be found on the authenticated roll of 1880 or the census roll of 1896 but she is identifieden the Kerns Clifton roll. She avers that she is the child of Anderson johnson, who was a slave of Ben Johnson a Cherokee citizen by blood. The testimony

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
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ACTING CHAIRMAN

shows that the said Andrew Johnson was taken out of the Cherokee Nation and returned in 1889; she claims her citizenship through her father Anderson Johnson; she avers that she is a full sister of Janet Wolt, but no reference is made as to her case. Applicant makes satisfactory proof as to residence, and she will not be listed for enrollment as a Cherokee Freedman on a doubtful card and will be notified by mail of the final conclusion of the Commission.

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Chas.vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas.vonWeise,

Subscribed and sworn to before me this the 10th of July, 1901.

(signed) T.B.Needles,
Commissioner.

M.P.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of his stenographic the original transcript.

M P Green

Subscribed and sworn to before me this August 26th, 1901.

Commissioner.

To be filed in the case of Ruth Chinnett, C. F. D. 866.

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Supplemental Testimony in C. F. D. 644.
Joshua Holt, et al.
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Department of the Interior,
Commission to the Five Civilized Tribes.
Nowata, I. T. June, 29th 1901.

Hollette & Smith, attorneys for applicant, present.
W. W. Hastings, present for the Cherokee Nation.

DANIEL SANDERS, being sworn by Commissioner T. B. Needles, testified as follows for the applicant:

By Mr. Smith-

Q What is your name? A. Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes sir.
Q Do you know Dinah Johnson? A Yes sir.
Q What relation are they? A. Man and wife.
Q Where did you first know Anderson Johnson? A. In the army.
Q Where did you first know his wife? A. At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A. Yes sir.
Q Who did he belong to? A. Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee woman Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Funkhousen family.
Q When did Anderson and Dinah marry? A. After the war.
Q Do you know if they have any children or not? A. Yes sir they have.
Q What are their names? A Mary was the oldest I believe.
Q Do you know the names of any of the others? A. I never paid much attention to them.
Q Do you know where they are now? A. They are in Vinita.
Q Are they married or single? A. Mary is married.
Q Who is she married to? A. Joshua Holt.
Q Now is that Mary or Jane? A. Jane, yes it is Jane.
Q Who is the oldest then? A. Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Joshua Holt? A. Yes sir.
Q Do you know where Jane was born? A. In the Cherokee Nation.
Q Close to where you live? A. Yes sir 6 or 7 miles.
Q Dont know where Mary was born? A. Must have been born there too.
Q Do you know the name of the other one? A I dont know.
Q Would you know it if you heard it? A Yes sir.
Q Was it Ruth? A Yes sir.
Q Where were these children born and raised? A. On Big creek, mostly.
Q How long has Jane been married to Joshua Holt? A. Ten years or longer
Q Do you know when Anderson Johnson came back to the Cherokee Nation?
A Yes sir in '66 with us.
Q Do you know when Dinah came back? A. I dont know exactly the time.
Q Are they living or dead? A. Both dead.
Q Where did they die? A. Anderson got killed close to where he lived.
Q How long ago was that? A. I think it was in '78.
Q How long did Anderson and Dinah live together there? A. Until he died.
Q From what time? A I dont know just exactly when he married, must have been in the fall of '68.
Q And from that time until he was killed they lived together? A Yes sir
Q Did they keep house up there? A. Yes sir.
Q Were they recognized in your community as man and wife? A. Yes sir! never knowed any difference.
Q What time in the year was it that Anderson Johnson came back here?
A Long in August '66.
Q What part of the Nation did he come to? A. Big creek.

Q Are you a recognised citizen of the Cherokee Nation? A. Yes sir.
Q On the roll of 1880? A Yes sir.
By Hastings-
Q Did you know Johnson's wife before the war? A. No sir.
Q She was a state raised woman? A. Yes sir.
Q Where did you see her first to know her? A. In Kansas, I knowed her stepfather before that.
Q What was his name? A. Rube Funkhouse.
Q Did she have any children before she and Anderson Johnson married? A No sir.
Q How old was she when they married? A. She wasn't very old.
Q Were they married in Kansas? A. I think so.
Q Did he ~~both~~ bring his wife with him when he came with you folks? A Not the first time.
Q What time was it that he came down with you, what time of the year?
Q Long in '66, long in the month of August.
Q Was that when some of you men folks come in advance? A Yes sir
Q Did you have your family with you? A. No sir.
Q They all went back afterwards and brought their families? A Yes sir
Q When did Anderson Johnson bring his wife there? A I dont know just exactly when it was.
Q Cnat you be positive as to whether that oldest child was born in the Cherokee Nation or in Kansas? A In the Cherokee Nation I think, I never heard of her having any children in Kansas.
Q How far did he locate from you? A. 7 miles, ~~between 6 and 7 miles~~ close to Albert Morris.
By Smith-
Q What time did Anderson Johnson bring his wife down here? A I dont know exactly the time, shortly after that, shortly after he came himself
Q What is your best judgment? A Not long after he came himself.
Q As much as six months? A Cant have been any longer.
By Hastings-
Q This woman has had some children born to her since her first husband was killed? A. I think so, one.
Q What is that childs name? A I dont know, it is a boy.
Q How long after her husband's death before this boy was born? A. I cant tell you that.
Q Two or three years? A. Yes sir I guess so.
Q He is about grown now? A. I haven't see him for quite a while.
Q Dont know his name? A No sir.

Ruben Sanders called and sworn as a witness for the applicant.
By Smith-
Q What is your name? A. Ruben Sanders.
Q Where dod you live? A. On Big creek.
Q Are you a citizen of the Cherokee Nation? A I am.
Q On the roll of 1880? A I am.
Q Do you know Anderson Johnson? A. I did.
Q Did you know a woman named Dinah Johnson? A. Yes sir.
Q Do you know what relation they were to each other? A Man and wife.
Q When did you get acquainted with Anderson Johnson? A When he come out of the army.
Q When did he come to the Cherokee Nation after the war? A. With us in our wagon.
Q When? A. Long in the summer of '66.
Q Was he married then? A. He was not.
Q When did you first become acquainted with his wife? A. In Kansas.
Q When did you first see her in the Cherokee Nation? A. I dont know exactly, several years after we came down here that I saw her down here.
Q Where do you live? A On Big creek.
Q How far did you live from where Anderson Johnson was killed? A About 7 miles.
Q Did they have any children, Anderson and Dinah? A They had several
Q Any girls? A Yes sir.
Q Do you know the name of the eldest girl? A I dont know if I do or not
Q Wht are the names ofthose you remember? A Mary, I dont know much about the girls.

Q Do you know if any of their children are married? A One is married to Josh Holt.
Q Where does she live? A. In Vinita.
Q How long did Anderson and Dinah live together? A. From the time they married until he was killed, I dont know exactly the number of years.
Q How long since he was killed? A I think about 16 years.
Q Do you know when they married, Anderson and Dinah? A I dont know the exact datem it was somewhere about 5 or 6 years after he came here.
Q Did you see them married? A. No sir, but I know they occupied a house and kept house there and lived together as man and wife.
Q How were they recognized by the neighbors there? A. As man and wife.
Q Do you know when these children of theirs were born? A. No sir.
Q Were they born while they were living together as man and wife? A Yes sir.
Q Where were they born? A. On Big creek, there where they lived.
Q In the Cherokee Nation? A. Yes sir.
Q Do you remember which one of the girls Josh Holt married? A No sir I dont believe I remember her name.
Q Do you know whether she is the oldest child or not? A No sir I dont
Q Do you know where she was born? A. No sir not exactly, but my best judgment they was all born in the Cherokee Nation on Big creek.

By Hastings-

Q With whom did Anderson Johnson first live when he came down here?
A Where I live.
Q You all first came down in August and then went back? A Yes sir.
Q You say Anderson wasn't married then? A. No sir.
Q His wife was up in Kansas then? A. She wasn't his wife at that time.
Q The woman that he afterwards married was in Kansas then? A. Yes sir. He afterwards went up there and married her? A. Yes sir, and then brought her back with him.
Q Did you know his wife before she married him? A. Yes sir.
Q Where did she live? A There in Fort Scott.
Q And your recollection is that some 4 or 5 years after you all came down that she came there as Anderson Johnson's wife? A. Yes sir.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 27th of July, 1901.

M D Green
Notary Public

Commissioner.

File with F.D-866 (Rutha Chinnett)

F.D-864.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21,1902.

In the matter of the application of Mariah Johnson for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-864.

APPEARANCES:
Lewis T. Brown for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony taken by the Cherokee Nation in Freedman Doubtful 818 and Freedman Doubtful 816; also the testimony of Reuben Sanders, as well as that taken by the Cherokee Nation in Freedman Doubtful 391, be made a part of the record in this case as well as the case of Rutha Chinnett et al, D-866 and Joshua Holt et al, D-644.

COMMISSION: The r equest of the Nation will be complied with and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 3rd day of July, 1902.

(Seal) P. G. Reuter,

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above is a true and correct copy of the proceedings in the above case.

Mabel F. Maxwell.

Subscribed and sworn to before me this 29th day of July, 1902.

Bruce C. Jones

Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedmen by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the ourfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, as I understand it.
Q You had reference to where the military road crosses the Neosho rivers? A Yes, sir.
Q At Auld Baldwin's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you knew in going south and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Smith.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Bryan? A No, I don't know for certain I heard he lived on Big Creek. I don't know thoughtwhere he lives, I have not hit ever since I have been here. I don't think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. C. Hanson.

Stenographer.

F. D. 318.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 30, 1902.

In the matter of the application of Edward Wright fort a enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 30th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers Commission on Citizenship," as follows:

"No. 65 Edward Wright
vs
Cherokee Nation.

{Ex. 7th of June.
{Answer filed.

Judgment against claimant June 27, 1878."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 68, Major Wright
vs
Cherokee Nation.

{Ex. June 7th. Statement filed on the 28 of June. 1st July set, 1st Aug. set for trial.

Judgment against claimant June 27th, 1878."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmir on the 26th day of June, 1896, as found on pages 182 and 3 of book B, entitled, "Citizenship record 1896," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of

Lewis Whitmire,
vs
Cherokee Nation,

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during he war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of their was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1878.
By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before Court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire
vs
Cherokee Nation.

Tahlequah,
July 2, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. As a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court,

An a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were in that number. The claimant was one of them. They came down in Dec. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party came with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire party were Aaron, Lewis, Rose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Prairie Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too thinly settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived there the first time from Kansas. The claim we made I got three men of house logs, hauled them and piled them up, and one of the men put up houses, I did not put up a house. I hunted back to Kansas about the middle of September. When I first left the country it was in February, 1864. I was a slave before the war and was owned by Sam Webber when the war broke out. He was living on Greenleaf near Honey Mountain on this side of Arka. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they return d to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. when I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Abe x Fields.
his mk.

Aaron Whitmire
vs
Cherokee Nation.

August 1, 1878.
Tahlequah, Indian Ter. Witness for claimant.
Called and sworn.

I reside in Coowescoowee District, C. N. I am a citizen of the Cherokee citizen. I left the Nation coming to this [illegible] the Nation on the west side of Grand River, [illegible]

on the 3rd of Sept. 1866. I had occasion some time in the last of October or the first of Nov. or probably it might have been as late as the middle of November, to go to the Vindigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most all of them. Their names were old Sam Webber, Aaron Whitmire and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do no recollect any of the others and cannot identify them. The Whitmires were Johnson and George Whitmire, Aaron Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chance there was to get provisions over on the river. I told him there was none there, but th t there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them houses &c. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the other that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. It was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this time May 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I meet them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with us then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at Malone's Ferry in 1868. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1868 I saw Mr. Alberty but had no conversation wih him, but Sam Webber was in my presencea.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Neige, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brothers were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family got at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Nan, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1868 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Neige and the families of those who had families all come as I did besides other not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alex Ratliff at breaking out of war. She first came in March 1867. Jack Sanders was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry, Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 55 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

his
Attest MosesWhitmire.
D. L. Nicholson, mark.
Clerk.

Case 63.

Aaron Whitmire & Family)
vs.) Claiming citizenship.
Cherokee Nation.)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes into his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as a freedman under privilege of the 15th amendment of the treaties of claims preferred by him to the Commission to examine and decide rights by competent authority having been duly sworn.

Claimant believes he is Geo. Whitmire of Cherokee citizen at the commencement of the war of rebellion and was then living in Miss

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation. August 1st, 1878.

Fr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coowescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Jesse Lewis, Dennis and Nelson, Whitmire, Peter Haigs, Mike Sanders, Sam Potter, and Young Sam, Bill Foreman and others but idd not recollect anything about them. They were travelling. They stated they were coming from Fort Scott, Kans, they were travelling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. Nelson gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others mentioned. It was pretty cold weather when I crossed them. It was as near as I can remember about the last of October, 1866. I am positive it was [illegible] I left them at Christmas or probably a few days before Christmas.

[illegible] Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know the white people the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed them over the river. I set some of this same party back over the river a short time after they had gone in, Lewis, Malach and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped the o long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I got them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs) July 4th 1873.
Cherokee Nation.)

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferry-pat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:
D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was where claimant now resides. I would say the distance from where George Whitmire resided prior to the war and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber designed as a chance for settling where he had was that Agent [illegible] advised the colored people after their freedom to settle in colonies in an unbroken part of the country, claimant to do in an uncovered part of the country.

This was thought best for the colored men as they could have their own schools so until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy the old fields in that neighborhood for the purpose of raising crops the year following. Lewis Whitmire in the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks was the character of quiet industrious and law abiding citizens as much as any in the nation. Some of these people have there and good farms all paid for themselves since the war.

Witness with a party of six gentlemen in the fall of 1867 saw this colored party was attacked in big Creek afterwards in the neighborhood for no purpose as they called the line of selecting their choice. Several shots was fired in night of witness while the colored party said they had selected and are now the house of the party above indicated.

Agent Jones was at the time attacking band of party. A delegation for the Cherokees visiting at Washington. There were parties as witness learned from one of them who seemed to scare or drive all from their claims this colored party at the time they were connecting the country. This was advised against by witness and it was not done or carried out. Witness party spoken of above was not one of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and probably one other. Occupation of witness is herding with cattle. I testified a good deal in that neighborhood at that time quality of

Continued on page 2a.

Aaron Whitmire et al } July 16, 1892.
vs
Cherokee Nation. } Tom Riley,
Sworn as witness for Deft.

Cross examined Dist. I first lived there in 1858 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I saw Aaron Whitmire. He returned on date to the Verdigris River to live at the month of March 1867. Also came at the same time Pat Lowery, Lewis Sanders, Sam Robber, Billy Foreman, with their families and others since I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Whitmire. He had no claim on other place before that.

Redirect Dist.

I don't know of any colored people of families coming in to the Nation in the month of May, 1866 to locate there but I know of some who came in early 1867 and by June thereafter. I saw where Aaron Whitmire lived at this time. I saw Aaron Whitmire in 1867. I live on the same place as at present. Indians lives and settled on the east side of [illegible] in Dec. 1866 I noted [illegible] of families came in Dec. 1866 I noted [illegible] Aaron Whitmire
liberty point in the [illegible]
got down in Sept. 1866
[illegible] Sam Robber, [illegible]
[illegible]

Continued on page 2b.

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. T. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitrire)
vs)
Cherokee Nation.)

Tahlequah, May 16, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL) (Signed) F. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1902.

Bruce C. Jones
Notary Public.

File with Cherokee Freedman D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.

Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.

Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes,sir

Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q. The first time you came back was in March after the treaty was made? A. Yes, sir, that is when we moved there.
Q. How long before that was it when you came out? A. I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q. About how long did you stay out here when you had put up the building? A. We stayed three or four days and then went right back and moved down.
Q. What kind of building did you put up? A. We put up a log cabin.
Q. Out on Big Creek? A. Yes, sir.
Q. How far from where Sam Webb lives? A. Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q. What old citizen lives near where you first located, where you first located when you first moved out? A. There isn't anybody lives there now.
Q. Name some old citizen who lives at the place now where you located there? A. Sam Webber.
Q. Does Sam Webber live at that place now? A. He did live there but he don't live there now.
Q. Who lives at the place now and you came to? A. The Meigs and Whitmirsw and Hendins, and a whole lot of them.
Q. You have lived there ever since? A. Yes, sir.
Q. You came out in wagons the first time? A. Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q. Do you know anything about dates? A. I know when they say the year is out, and this year is in.
Q. What year is this? A. If I am not mistaken I think this is May.
Q. The year though? A. I can't tell you exactly what year it is, because I am not educated like you smart men.
Q. You are satisfied in your mind came here in March? A. Yes, sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A. No, sir, I don't.
Q. Have you got any witnesses? A. Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q. What is your name? A. Sam Webber.
Q. What is your age? A. About 58, somewhere nearabout that.
Q. What is your post office address? A. Nowata.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.
Q. Your name on the 1880 roll? A. Yes, sir.
Q. Do you know Aaron Webber? A. Yes, sir.
Q. Is he any relation to you? A. He is my brother.
Q. Was he a slave? A. Yes, sir.
Q. To whom did he belong? A. Doris Webber.
Q. Was she a Cherokee woman? A. Yes, sir.
Q. By blood? A. Yes, sir.
Q. Where was he during the war? A. He was with us in Kansas.
Q. What did he come back with? A. He came with us when we came back in [illegible]
Q. You came in [illegible] A. Yes, sir.
Q. What [illegible]
Q. He was a slave [illegible] same number.
Q. Ought to be entitled to the same rights you have got? A. Yes, sir, have just the same rights [illegible]
Q. [illegible] A. [illegible] down.
Q. You [illegible] of the treaty? A. We came [illegible] in the same month the treaty was made in Kansas we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken? A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I came with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

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Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants.

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

[illegible] (By Hastings)

Q How long have you lived in Round City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miama Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Round City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here? Joe Ross? A I knew him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir
Q Where did you know him? A In the same family in Round City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1860? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Round City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '56.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora, Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month, early in the spring of '67 though.
Q Did they all move down at the same time? A They started together.
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Sam Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q Was it well [illegible]
Q Where? A [illegible]
Q Where? A [illegible]
Q And you knew him as Joe Webber? A Yes sir, the same Joe Ross was not alive then.
Q When did you first [illegible] Joe Webber? A In '63 he [illegible]
Q Which farm? A [illegible] in the neighborhood where I lived, the [illegible]
Q When did your [illegible] Sam? A In the fall of '66, I have forgotten the exact day, in October or November.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemming.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Then two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Yet to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to this country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '65 and '6 he brought some hides here.
Q To refresh your memory, was it not in March? A March what?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was making down to a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the territory to build some houses? A Yes S.T.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected than to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaed in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. C. Hobson)

Chas. van Meter, being sworn states that as stenographer to the Commission to the Five Tribes he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Chas. van Meter.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Sweet,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Bruce G. Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Weber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I won't say which; along about in them times I moved, that is my folks moved; of course I was small. I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Wieming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67. I would say that, but now I aint certain. I aint got no opinion about what time they left.
MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that it is his opinion.
COMMISSIONER: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgment? A Yes, sir.
Q That is your best recollection? A (No response.)

Q You said I believe you know they were there in the fall? A Yes sir, that is all I can state positively. I don't know how long they were there.

Q You know that by your moved? A Yes sir, that is the one thing I have got you know.

Q Do you know Joe's sister, Malvery? A Yes sir, there was a girl there called Calvera, I suppose it was Joe's sister.

[illegible]

Q Mr. Short, how old were you in '62? A About 13 years old, September 5, 1862.

Q Now who were you asked first in 56 the time when Sam Webber left that country? A When was I asked first.

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No I don't know the exact day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now. It was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1862? A I don't know.

Q Where was he in October 1862? A He was on the street.

Q Did you see him? A Yes, he was there; he hadn't moved; he came down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1862 was it? A Fall of 1862.

Q I am talking about 1863? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1863? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1862? A Worked for my grandfather some.

Q That young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the younger and was boys?

A Yes, sir; I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him from the time he left there until I came down here; saw him the first time as soon as I moved there.

Q What did you consider him then a boy? A I suppose he was a young man; I couldn't say as to that.

Q What about Joe Webb, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken? A Yes, I think quite difference in the ages but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1863? A I think so, I don't think they was there in 1863 but they was going and coming all the time; they came down in 1862 and located.

Q They came in 1862 and located? A Yes sir, but they came back and got their [illegible]

Q Now you know only that they were there in 1862? A I know they were there in 62.

Q You don't know that they were there in '63 they were there? A They were there before 63.

Q Well I am [illegible] A I couldn't say [illegible] I think they were there in the [illegible]

Q You don't [illegible] or not? A [illegible]

Q Do you [illegible] Webber coming down [illegible] down in the summer [illegible] they come down here and they went back [illegible] the family [illegible]

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post office? A Mantey.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live 6 miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q Were you living there than after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was in October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7,1864:"? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866"
A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died?
A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh the old gentleman; he lived up there by me I think; I am not positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Maude, living.
Q She was living?? A Yes, sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she set up with me several times and if it was a bad night and she saw he was sick she would come and sit up with me.
Q Did you know a sister of Joe's called Cathern? A Yes, sir.
Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.
A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, of or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Dy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards from them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q He had recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.
BY MR. SMITH:
Q About how long, Mrs. Hicks, had Mr. Walked owned this place at the time these people lived there? A Well I couldn't answer that question.
Q Well you could tell whether it had been a few moths or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes, sir.
Q Well what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I know.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I wouldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
A Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the Fall that you have spoken of? A I don't know.
Q Don't know? A No-I don't; but I recollect about it, he brought me back some wood and sassafras root.
Q Do you remember young Sam bringing some hides in to the commniyty?
A No sir, I didn't charge my mind with anything like that.

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall, summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.
Q Where did you move from to this place that you live? A Where did I move from.?
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the right one here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q Youn don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but [illegible] he has proved out of my knowledge.
Q You don't know where the old man Sam Webber was in July '56 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they came some time in the latter part of the winter, but I may I would not be certain what month it was in February or March.
Q You want be certain if was any of them? A I may they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it down.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother:
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And have you lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did: I don't know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSION: The counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '65, and then came back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
Q You are sure of that? A Yes sir.
Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wonttbe positive whether he came with them or not, when they came after their claims.
Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer of fall? A Yes sir, sometime along in the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '65.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A, January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any thime off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
Q Now what makes you think it was February or March of '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q These darkey boys? A The Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commences in December and ends in February, December, '66 and February of '67? A It was all in the winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have so much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q Now is what way do you fix the date, you speak of your people there is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were there than; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?
A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1868? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.
BY MR. HASTINGS:
Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I won't say sir.
Q You can give some idea? A Well I tell you now, I won't say anything then I don't know anything.
Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I got it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A The name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir. if I should guess at anything about it I should think it was along in the summer sometime. I should think now, afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY MR. HARRISON:
Q Do you remember independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give absolutely when that entry was made in your Bible? A No sir.
Q You so swore? A Yes sir.
BY MR. SMITH: I object to that, it is leading.
MR. HARRISON:
[illegible]
COMMISSION: [illegible] that the evidence just taken be filed [illegible] in Cherokee Freedmen doubtful [illegible] and it will [illegible] doubtful date and the [illegible] doubtful case [illegible] made clear.
It is further ordered that copies of all the testimony

Joe Ross (sup'l) 15

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-196, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN C. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. G. Starr,

Notary Public.

SEAL.

To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 28th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedman D 872, be made a part of the record in this case.

COMMISSION: It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedman D 196, of Chlora Grayson and in Cherokee Freedman D 215, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants,
W. W. Hastings, of counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house there on Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek in Choctaw and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that time I saw him he was there on Lightening Creek.
Q Did you see him after that at his sister's? A I saw him than often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months of a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never saw them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it threwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Binda Martin.
Q When did you commence keeping house? A I went in my house when I first came there.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this December 16, 1901.

(SEAL) (Signed) J. C. Tyner,
Notary Public.

(SEAL)

I, A. R. Chaever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A R Chaever

Sworn to and subscribed before me this 11th day of August, 1902.

B E Jones
Notary Public.

File with Cherokee Freedmen D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., July [illegible] 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was this when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 74 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Coweescowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Did you ever have married besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have your husband? A No sir he is dead.
Q Then you are apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Samuel Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll, that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1890 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 136, No. 1455, [illegible] Coweescowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant's daughter [illegible] thereon.

Q Did you know [illegible] A Yes sir.

The Kemp [illegible]
The [illegible]
Page [illegible]

Q Did you ever go [illegible] A Yes [illegible] my mother.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No. 40, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 131, No. 2748, Elizabeth Meigs, Goowesscowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
Q What members of your family came down with you and your husband? A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A [illegible]
Q About how long did [illegible] to get ready to come to the Cherokee Nation after he went back to Kansas? A No time after he got back till we all came [illegible]
Q [illegible] A Yes sir I knew him.
Q And that you [illegible] A Yes sir.
Q Was it in the [illegible] sir in the winter.
Q The leaves were not [illegible] your husband and children got here? A No [illegible] nor nothing on the trees. It was winter I [illegible] you.
Q You will come in [illegible] A Yes [illegible]
Q Who came with your husband down here [illegible] man Mike Sanders.
Q Who else? A [illegible]
Q Who else? A [illegible]

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I don't remember any one else now.
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q These that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q What house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all came down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I give you.
Q Is that all that come? A Aaron Webber come with us.
Q Who else? A (No response.)
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that time.
Q You came to the place that you are living at now did you? A Yes sir I've lived there ever since.
Q Have you any neighbors up there now that were old residents? A No sir, there was some lived on Verdigris when we came there.
Q Who? A Linda Riley was there on Verdigris, but not there we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as a mile? A As much as ten miles for you (made all the right.)
Q Were they the closest neighbors to you at that time? A Yes sir.
Q Were there any Delawares Indians there when you came there? A No sir I never saw some.

Q Any Osages? A No sir, never saw none
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Maize built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them them.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Kerns Clifton court.
Q Any other court that you know of? A I know of the Wallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce?
A Yes sir.

ROBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant:
(Examined by the Commission)

Q What is your name? A Robeh Sanders.
Q How old are you? A I suppose I am 40 out so.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A [illegible] Sanders.
Q Were you taken to [illegible] the war? A Yes sir.
Q You have a wife living [illegible] have you? A Yes sir.
Q How long have you been married? A [illegible] years perhaps more.

The [illegible] examination [illegible] the [illegible] the name of the applicant [illegible] months and [illegible] follows:
Page 172, No. [illegible], Tahlequah district.

Q Did you ever have to [illegible] your citizenship before any court? A Yes sir.
Q What court? A The Chamber's court.
Q Is that the only one? A Yes sir that is the only one, I was admitted by the Chamber's Court.

Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thomas Ochelitta was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to give a copy of the decision of the court in your favor that you were to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Coosawack Bend, at the time.
Q Do you know the applicant Nancy Wright? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Wright's citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir
Q In 1872 wasn't it? A Yes sir.
Q Various actions taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 14 or 15 years old when you came back? A Yes sir I guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several came in [illegible] I do not know knowledge how many there were.
Q Tell all you can remember? A [illegible] October and then we moved here in the winter.
Q Did you come in [illegible] A Yes sir.
Q Who came with you? A [illegible] the place) the hot

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Moss and Daniels, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all came.
Q Who came when you came in October? A I dont know who all came then, some of that same crowd and some more came in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old Man Cesaur Smith.
Q You came in both of the detachments yourself? A No sir.
Q Which one did you come in? A I came in August.
Q You didn't come in October then? A Yes sir, I came when we first come; we brought some of our farming utensils when we come in August and left them on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back, some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards come here the last time? A In the winter of '66 is that we came down here the last time.
Q What time in the winter? A Along in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following? A This family is one, [illegible] the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George [illegible] Meigs, Harriet Meigs, Perry Meigs, that is all that I [illegible] of that family.
Q I dont mean only of the [illegible] were other families come there also? A Old man [illegible]
Q Who else? A He had [illegible]
Q The heads of families [illegible] I dont remember them all, I dont [illegible] all of them.
Q [illegible] any of the [illegible]
Q Old man [illegible] all these names, [illegible] I dont remember for if I [illegible] and I dont remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

By Mr. Kennedy:

Q Dont you remember any one else? A Rachel Webber.
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you come to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gillstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A Yes sir.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs up some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother named William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir, there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gillstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commissioner:

Q You stated [illegible] the first time when you came to the Cherokee [illegible] was in August of 1869? A Yes sir.
Q For what [illegible] the proclamation [illegible] to come.
Q You didn't [illegible] with you then? A Only part of them and some [illegible]
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October?
A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir, I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
Q You stayed here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A I just have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Came then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for saying this is this; along Christmas- a few days before Christmas there was a man got killed named Hayford. and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I do not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught; No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation,

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.
Commissioner Needles: Hasn't that already been shown?
L. T. Brown: And that they have had a continuous residence in this country since that year.
Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.
Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes, sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Hills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No,sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes,sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November,1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the ~~Five Civilized Tribes,~~
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs ~~et al. for~~ enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 39.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? ~~A~~ A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 6th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Notary Public.

Supl.-C.F.D.#7-5

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee Freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '68.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell? A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory, that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The Secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one [illegible] in 1870 that contract was made, I don't [illegible] Well, just a few days following that we [illegible] cross-ties and then worked on down to the Creek Nation. [illegible] the first railroad built in the country and first [illegible] was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

G. D. MARTIN, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A G. D. Martin.
Q Where do you live? A At Nowata.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Chetopa about ten miles.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir; I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '72.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Beck? A No, sir, I don't.
Q You don't know [illegible] belonged before the war or when he returned to the Nation? A No, sir.

Commissioner: These testimony will also be filed in and made a part of the record in Cherokee Freedman case No. D.391.

J. G. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. G. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, [illegible], being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the testimony of this case, and that the foregoing is a correct copy thereof.

[illegible]

Sworn to and subscribed before me this [illegible] of August, 1902.

[illegible]
[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May, 13, 1903.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22n inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store, on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on an ox, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and F. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hegler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Gullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming to the door: Eli Mackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my room; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

M. C. E. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I knew it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Byar Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and willfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Hargrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in Company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even afterthey approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, than ran down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty Minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, somethe in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '65? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A Yes.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor says it about February 20th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him? A You mean after?
Q When he got away after February 20th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a couple of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was supposed to be a runaway colored slave? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a runaway slave.
CO-DEFENSE: You are testifying about those dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I know it was only a few days before Christmas when the killing was done.
Q '67? A The '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Nelson, D-816, with reference to the return of the Wapato Detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the Attorney for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

CONCLUSION: The request of the representative of the Cherokee Nation will be granted ruling, and the testimony fired.

This testimony will be filed with and made a part of the record in the following enrolled Freedman cases: D-394, D-396, D-398, D-401, D-402, D-404, D-405, D-775, and in D-391, the same being the case at bar.

Arthur G. Crowinger, being first duly sworn, states that is stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Crowinger.

Subscribed and sworn to before me this 14th day of May, 1906.

(Seal)

(Signed) Phelin E. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 22nd day of May, 1906.

Notary Public.

OFFICE OF
NEV CAMPBELL,
ATTORNEY AT LAW,
MOUND CITY, KANSAS.

May 10, 1902.

Bell, Hastings & Davenport,
Muskogee, Ind, Ter.

Gentlemen:-

There was an Anderson Johnson who lived at this place, known as Andy Johnson here. His wife was Julia Brown, sister of Geo. Brown, who came with the Browns here from the Nation in the early part of the war. She married Johnson at the close of the war and lived with him until she died sometime in the Seventies.

Please examine F. D. 864, and F. D. 866, F. D. 875 and see what connection these people would be to the people ~~in their record~~ above referred to ~~by number~~.

See if the Julia Brown that died here in the Seventies is not the mother of Mary Johnson, Ruth Chinett and Frank Johnson or find out if these children's father died at Mound City, Kansas and if there was an Anderson Johnson that lived here. It is probale that the Dihan Johnson referred to in F.D. 864, Mary Johnson, is the daughter of the wife of Andy Johnson who lived here and was known as Julia Johnson. You can find this out from some one who lives around Goody's Bluff. who knew Osage Geo Brown.

Please write me at once about this.

Yourstruly,

at Garnett
James M Keys

Cher Fr D 867

Cher Fr D 867

Supplemental 867 and 868.

File with 867.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 29, 1901.

In the matter of the application Johnson for enrollment as a Cherokee Freedman.

Supplemental testimony.

Sarah Johnson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sarah Johnson.
Q Have you any children? A Yes, sir.
Q How many? A Two.
Q What is the oldest child's name? A Lula.
Q Is she married? A Yes, sir.
Q What is your next child's name? A James.
Q Were you enrolled to-day by this Commission? A Yes, sir.
Mr. Hastings: You gave your post office as Vinita? A Yes, sir.
Q After you got through enrolling here and went to go off, I told you to remain? A You did, but I was sick and I am sick right now, I went off, somebody said I was going to take the train but it was all a mistake.
Q When did you reach Vinita? A This morning.
Q Where did you come from? A I came from Colorado.
Q Did you ever live in Vinita before? A Yes, sir, I have got property here.
Q How long have you been in Colorado? A A year; my husband works out there, and he send me a ticket to come and see him, and when he wants to send me back he sends me back.
Q You have been there one year? A It has been a little over a year.
Q Were you ever out there before? A Yes, sir, I have been out there.
Q When did you first go to Colorado? A I first went there since the payment.
Q Since the colored payment? A Yes, sir.
Q That was in 1897; you mean the payment in 1897? A The Clifton payment, yes, sir.
Q You went out there since then? A Yes, sir.
Q Part of your time did you ever live in Kansas? A I have worked in Kansas.
Q Where did you work in Kansas? A Parsons.
Q How long did you ever stay up there? A I don't know just exactly how long, but I have worked up there.
Q About how many years? A I never stayed there a year.
Q Through how many years duration all told have you been backwards and forwards in Kansas? A I don't know, sometimes back up to see my folks and visit around, and come back.
Q How long has your husband been in Colorado? A I can't tell you how long.
Q Where did you marry him? A In the Creek Nation.
Q When? A I don't know the time of the year I have been married.
Q Is he father of these two children? A No, sir.
Q Is he the father of either of them? A No, sir.
Q Is your husband named Johnson? A Yes, sir.
Q Well, this James' name is not Johnson? A Well that is his stepfather.
Q Were you married to James' father? A Well, he goes by Jimmie Johnson.
Q I say were you married to his father? A No, sir.
Q Where was Jim born? A Born in the Creek Nation.
Q What part of the Creek Nation? A Out near Muskogee.
Q Was his father a Creek? A He was a white man.
Q You lived in Denison, Texas, a while? A Yes, sir.
Q How long did you live there? A I don't know how long I lived there.
Q About how many years? A I don't know how many years; of course

at that time I never kept any time, I just when there and worked and came home.

Q Lula was born there? A Yes, sir.

Q In Denison, Texas? A Yes, sir.

Q When did she come up here? A Been with me all the time until she was married.

Q Where did she marry? A She was married in Kansas.

Q When? A I don't know sir, she has been married 11 years.

Q Has she any children? A No, sir.

Q Where does she live? A Why she lives backwards and forwards like myself.

Q Where did she come from this morning when she reached town?

A We came from Colorado here.

Q She has been out there with you? A Yes, sir, I was sick out there and she came to see me.

Q Where is her husband? A He is in Newton, Kansas.

Q How long has he been there in Newton, Kansas? A Well, I can't tell just how long.

Q Has he ever been here? A Yes, sir, he lived here; he is a state man; so is my husband a state man.

Q Has this Ella Miller's husband ever lived here.

A Yes, sir, he has lived here in Vinita.

Q How long? A I don't know how long exactly.

Q Did he live here as long as a month? A Yes, sir, lived here longer than a month.

Q How much longer than a month; how much longer to the best of your knowledge? A I just can't tell you, he worked for Mr. Steve Hill, I don't know just how long, over a month.

Q He has made his home up in Kansas almost ever since he married?

A He lived here a while.

Q With that exception? A Well, Lula has worked here for Mrs. Frazier some time.

Q Since she married? A Yes, sir.

Q I have been advised that this Lula is only an adopted daughter of yours; is she your own natural child? A She is my child.

Q You swear that? A Yes, sir, I held up my hand to swear that she is my child, I am not going to swear no lie.

Q And she has been married about 11 years? A Yes, sir.

Q She was married in Kansas? A Yes, sir.

Q Were you living up there at the time she was married? A No, sir, I was out on Big Creek living on Big Creek.

Q What place in Kansas was she married? A I don't know, I was living on Big Creek and I hadn't seen her for quite a while, she had been there to work in Kansas and while she was there she married.

Q How old was she when you came back from Denison after she was born? A She was two or three years old.

Q How long had you been down there when she was born? A I don't know what year I went there, I didn't keep count, I don't know what year I came back.

Q Have you ever lived in any other states except Texas and Kansas and Colorado? A I just went down there to work, we all did; we go there and come back home; of course I always made Grand River my home.

Q Did you have a home out there? A I lived there with my father.

Q What was his name? A George Landrum.

Q You made that your headquarters? A Yes, sir, that is my home, of course I went in the states to work.

Q What is your husband doing in Colorado? A He is a mortar maker.

Q Has he lived here? A Yes, sir.

Q Where did he live? A Lived in Fort Gibson, most of the time I think.

Q How long has he lived there? A I don't know sir, he was there when I got acquainted with him.

Q I mean after you married him? A He has never lived there.

Q He has never lived in the Cherokee Nation after you married?
A No, he hasn't.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 21st of May, 1901.

C M Buckmaster

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 20th, 1901.

In the matter of the application of Sarah Johnson for the enrollment of herself and one child as Cherokee freedmen; said Johnson being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sarah Smith.
Q How old are you? A 47 I guess.
Q What is your post office? A Vinita.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and my daughter and son.
Q Your self and two children? A Yes, sir.
Q What are the names of your children? A Lula and Jimmie.
Q How old is Lula? A 28.
Q How old is Jimmie? A James, 20.
Q Is his name James or Jimmie? A James.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Johnson.
Q Well, if you are married to Sam Johnson how does your name happen to be Smith? A That is how I enroll.
Q I didn't ask you that I asked you what your name was? A My name is Johnson now.
Q What was your father's name? A George Landrum.
Q Your mother's name? A Peggie Landrum.
Q Are they living? A No, sir.
Q Were you ever marriedbefore you married Sam Johnson?
A Yes, sir.
Q What was your former husband's name? A Smith.
Q What was his first name? A Charley Smith.
Q Is he living? A Yes, sir.
Q Are you living with him? A No, sir.
Q Are you divorced from him? A He went to the penitentiary.
Q You married again and your present husband is named Sam Johnson?
A Yes, sir.
Q Is your name on the authenticated roll of 1880? A Yes, sir.
Q As Landrum? A Smith.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 588, #1865, Sarah Smith, Illinois District.

Q This boy is named James Smith? A His name is Jimmie Johnson.
Q Did you draw your strip payment money? A Yes, sir.

The Kerns-Clifton roll of citizens of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 24, #593, Sarah Smith, Illinois District,
Page 24, #594, Jimmie Smith, Illinois District.

Q His proper name is Johnson is it? A Yes, sir.
Q His Jimmie Johnson living? A Yes, sir.
Q Have you always lived in the Cherokee Nation yourself?
A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir.

COM'R NEEDLES:--Sarah Johnson applies for the enrollment of herself and one child, James; she swore that her maiden name was Landrum and that she married one Charley Smith and she is duly identifiedupon the authenticatedroll of 1880 as Sarah Smith, and upon the Kerns-Clifton roll as Sarah Smith. The name of her child, James, is identifiedupon the Kerns-Clifton roll as James Smith; his proper name being

Johnson. They are both duly identified and make satisfactory proof as to residence, consequently Sarah Johnson and her child, James Johnson, will be listed for enrollment as Cherokee Freedmen.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing [illegible] transcript of his [illegible] notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st day of May, 1907.

Commissioner.

To be filed in the case of George Starr, Jr., [illegible]-267.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T.B.Needles, testified as follows:

Mellette & Smith, applicant's attorneys;
W.W.Hastings, Cherokee representative.

By Com'r Needles:
Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your post-office address? A Hayden.
Q In what district do you live? A Goweesoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 12 years old.

By Mellette
Q Were you a slave in the Cherokee nation at the beginning of the war? A Yes sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the fall.
Q Where did you go to then? A We went thence Grand river.
Q When did you go there? A The same fall. We only stopped a few days at Timber Hill.
Q What place on Grand river did you stop at then? A Close to Pryor creek, close to Billy Leody's place.
Q Where have you continued to live since you came back in '66?
A In the Cherokee nation.
Q All the time? A Yes sir.
Q Do you own a place on the Public Domain of the Cherokee Nation?
A Yes sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two child[illegible] of my own.
Q Got besides this one? A Yes sir.
Q What is its name? A George.
Q How old is he? A 24 years old.

By Hastings:
Q Why did you come to the Cherokee Nation with after the war? A With Dave French.
Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, [illegible] Hill.
Q [illegible]
Q When did you first see him in Kansas? A [illegible]
Q Where were you married? In Kansas? A No sir.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning creek.
Who married you? A Preacher Nelson.
Q How long ago? A 37 years ago.
Q Was that a colored man or a Cherokee? A Colored man.
Q You claim to have come back with Dave French do you? A Yes sir.

Q Who else was with him? A His sister Jenny.
Q Jenny what? A Gurnelly, I think.
Q Was she married then? A Yes sir I think she was.
Q Who else came? A Eveline.
Q What? A I don't know her husband.
Q What kin was she to Dave? A Sister.
Q Was she married then? A I dont think she was.
Q Well who else came? A The Haves.
Q How manyof them, lets have all their names? A Arch, Ruben, Wash and his wife Mariah, and Dave.
Q How many children did Dave French have with him at that time?
A I dont know.
Q Was his wife along with him then? A I dont think he had a wife at that time, I dont know his family.
Q He came back withhis sisters the time you came? A He made 2 or 3 trips, and the last time he came with his sisters.
Q Was that the trip you came on? A Yes sir.
Q If he had a family then it was down here? A I dont know.
Q He had been here before that hadn't he? A Yes sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q ~~Much time~~ Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetepa is? A Yes sir.
Q Did you come through Chetepa as you came down? A It was not much of a place when we come, but we come in that direction.
Q Did you stop at any of the stores there? A No sir.
Q Did you come through Parsons? A No sir it wasn't there.
Q Did you come through Parker? A No sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek
Q You went right on there did you? A No sir we stopped a few days on the Rider place at Moody's.
Q Was Dave French with you there? A Yes sir but he left me there.
Q Did you go to Fort Gibson? A Yes sir a month or two after that.
Q Where did Billy Loodey live? A On Pryor Creek.
Q Was he a colored man? A Yes sir.
Q Did he have a wife? A Yes sir.
Q Did he have any children? A Yes sir.
Q Name them? A Frank, Rose and Matilda.
Q You came before the Kern Blifton Commission five years ago didn't you? A Yes sir, I think so.
Q You made a statement before that Commission? A Yes sir.
Q Did you use Dave French for a witness then? A Yes sir.
Q Did youbring Frank Rose there? A I didn't he a but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No sir.
Q After staying on Pryor Creek for a while you went to 14 Mile creek, how long did you stay there? A First, how long did you stay on Pryor Creek? A We came there in November and left there in December.
Q And then you went to 14 Mile creek? A Yes sir.
Q Whose place on 14 Mile creek? A Moses Have place.
Q How long did you stay on the Moses Have place? A I went to the House, that was my step father and I staid there.
Q Who were some of Moses Have's neighbors then? A I dont know the family, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A Colored man.
Q How far from Fort Gibson was that? A 7 or 8 miles.
Q East? A Yes sir.
Q On 14 Mile creek? A Yes sir.
Q Did Moses Have live in a house? A Yes sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.

Q Did he have a field there then? A I think he rented a few acres from Arch Voland.
Q How long did you stay there?A A year or two I think, I worked a some on Grand river.
Q Who for? A John Walkr and for Sixkiller.
Q Where did you go from Grand river, when you were working there?
A Went back to 14 Mile creek.
Q Then for the first few years after the war you lived on Grand river and 14 Mile Creek?A Yes sir.
Q When was the last time you were in Parsons Kansas? A I can't tell, I was there lots of times.
Q When did you last live there? A I worke d there.
Q When was the first time you worked there after the war? A I think it was in '87.
Q You didn't work there in 67, '8 and '9? A No sir.
Q You didn't see George Musgrove up there? A No sir.
Q You know him? A Yes sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes sir.
Q What year was that? A '74.
Q Your eldest chil, George Starr, jr., where was he born? A On Lightning creek.
Q Did you and your wife ever keep house in Parsons? A Yes sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No sir I went up there and passed through in '71.
Q Wasn't living there then? A No sir.
Q Not working there then?A No sir.
Q Not keepinh house there then? A No sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train them days.
Q Where did you first geton the train? A At Shoutean.
Q Did you testify five years ago that you went up to Kansas in '68?
A Yes sir.
Q Did you? A Yes, sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A I disremember the man's name.
Q What hou se did you and your wife first live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wifes folks.
Q Did you know Cal Coker? A No sir I dont know him.
Q What were your wife's folks names? A Johnson and Loodeys'.
Q How far from Goody's Bluff was that? A Just a few miles.
Q Well dont you know anyone else that lived around there in '74?
A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q Howlong did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes sir.
Q In that one house? A No sir in several houses.
Q Did you make a place of your own there? A Yes sir.
Q When did you make that place? A 16 years ago.
Q How far was thatfrom Jack Landrum's? A 4 or 5 miles.

By Mellette-
Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of this child when you desire to have enrolled
A Yes sir.
Q Where were youmarried to her? A On Lightning creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate ? A Not of thatmarriage, I have of this last marriage.

Q How long did you live with her? A Until she died.
Q How many years was that? A Up until 1891.
Q About how many years? A Must have been 10 or 11 years.

By the commission:
Q Was she a citizen? A Yes sir.
Q Is her name on the roll of 1880? A I don't know.
Q What was her maiden name? A Johnson.
Q Is she the mother of Arthur? A Yes sir.

Applicant and his first wife were found on the roll of 1880.

Roll clerk roll examined and the name of the applicant and his son identified thereon as follows:
Page 148, No. 3661, George Starr, Goweeseeweee District.
Page 148, No. 3662, Arthur Starr.

Wallace roll examined and the applicants identified as follows:
Page 140 No. 2940, George Starr, Goweeseeweee District.
Page 140 No. 2942, Arthur Starr

DAVE FRENCH, called and sworn as a witness for the applicant identified as follows:

By Mellette:
Q What is your name? A Dave French.
Q What is your age? A 72.
Q Where do you live? A Born on Verdigris River, on Goose Creek Road this side.
Q In the Cherokee nation? A Yes sir.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A Yes sir he was born here before the war.
Q Was he a Cherokee Indian? A Yes sir.
Q When was this applicant taken to during the war? A To Kansas.
Q When did he come back? A In the fall of 63.
Q How do you know? A He come without.
Q Where did he go when he come back? A I left him at Tom Riders on Grand River, uncle Billy Looney lived there then.
Q Where has he been since? A On Lightning Creek and 14 Mile Creek.

By Hastings:
Q Where did you first see this applicant just before the war? A In Flint district.
Q How far from your? A 5 or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q Near what town? A Muskogee Falls.
Q Did he come with you when you came? A Yes sir.
Q Did he come with you when you came with your family? A When I brought my sisters and the Navas, they were alone.
Q Did you have your family with you then? A No sir.
Q Did the Navasny family then? A No sir.
Q Single? A Yes sir.
Q Was his mother in Kansas then? A I don't know.
Q You left him with uncle Billy Looney? A Yes sir.
Q You didn't testify for him before the roll clerk examiner? A No sir.
Q You had been down here before and by name him had you? A Yes sir.
Q How many trips had you made before you brought him? A I don't know.
Q Had you met everybody? A I don't know, don't know.
Q How long was it until you saw him again after that? A I saw him

several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then?A Yes sir I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there until the spring of '67.
Q Did you bring her back then? A No sir I didn't bring her back, some one else brought her back to me on Grand river after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline district? Yes sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman that you are living with now? A In Wichita Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire some one to bring her back, as I wouldn,t have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in '67? A Yes sir.
Q Ned and Lucinda?A Yes sir, they brought her in '67 on Spring creek and we moved them to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes sir she was out with a hay outfit when they was cutting hay?
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Yes? A Linda.
Q Linda who? A My wife's sister.
Q Did you take her children with her? A Yes sir.
Q How many? A I dont remember.
Q You dont remember your wife's children that were along with her?
A I dont remember I guess she had them all.
Q Do you know? A There wasn't any left I dont think.
Q Who were they? A Bill, [illegible], Jenny, Caroline, Ellen, Louisa.
Q Is that all? A Yes.
Q Any one else? A Bill, wasn't here.
Q There was the oldest child born? A In Gallisaw in Flint.
Q There was [illegible] one to that [illegible] born? A In the Spring we [illegible]
Q [illegible] Grand river.
Q [illegible] wife? A [illegible]
Q What was you doing up in Kansas? A [illegible]
Q What did this man say to you [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q How far is that from [illegible]
Q [illegible]
Q [illegible]

your wife out hunting up Cherokee freedmen and hauling them, free to the Cherokee nation were you? A Yes sir I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I dont know.
Q You knew more about this feller than you did about your wife? A (No response.)
Q Who did this fellow stay with on 14 Mile creek? A With Nose Nave sir.
Q Were you over there after the war and saw this man there? A Yes sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes sir.
Q Do you know she married this man the first time? A No sir.
Q She married him the next time? A I dont know.
Q How far do you live from him now? A I live on Coone Neck Bend and he lives on Lightning creek.
Q How long has heeen living on Lightning creek? A I dont know.

By Mellette.
Q When you brought this applicant Geor e Starr, who of the Naves came with you? A My two sisters, and Nose Nave and his wife.
Q Did the Nave Boys, George, Dave and Ruben come with you? A Nosir they came before that in the spring and were on 14 Mile creek t hen.

* * * * * * * * * * * *

Continued by Stenographer E.D.Green, this 22d of June,1901.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.
(signed)Chas.vonWeise.
Subscribed and sworn to before me this the 8th of July, 1901.
(signed)T.B.Needles,
Commissioner.

* * * * * * *

CONTINUED,- former portion of this case taken by Stenog.C.vonWeise.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22,1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.
FRANK ROSS, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Mellette, Mr Mellette (Smith, for the applicant;
Mr.W.W.Hastings, for the Cherokee Nation.

By Mr. Mellette:
Q What is your name? A Frank Ross.
Q Where do you live? A [illegible]
Q What is your age? A [illegible]
Q Are you a freedman of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, George Starr? A Yes sir.
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they were married.
Q Did they live together as man and wife? A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek, and then they moved to Lightning.
Q How long ago was that that they were said to have been married? A It has been about, my judgment about 30 years.
BY MR. HASTINGS:
Q What was her maidenname? A Johnson.
Q You knew her before he married her? A Yes sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor Creek? A Yes sir.
Q They were married on Pryor Creek? A They said they was, I moved I went from Pryor's Creek in '69.
Q She was married at that time? A No sir, they wasn't married when I moved away.
Q And you moved away in '69? A Yes sir.
Q How long after you moved away until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that?
A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farm over there? A Yes sir.
Q They were living at that place were they? A Yes sir.
Q Who came with this fellow down there to Pryor Creek, when you saw him? A Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There wasn't more women along with him.
Q You didn't testify for this man 5 years ago? A No sir.
Q Although you knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to draw?
A I guess there was.
Q You didn't testify after him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that that was that year? A Yes sir, I know it was that fall of '66.
Q You know that 5 years ago too? A Yes sir, I know it 5 years ago if you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father either time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Leady some times, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built up some houses up there, we stayed up on Ten Rider's place on Grand river until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were you living at the time this fellow came down the ra? A On Ten Rider's place.
Q That was on Grand river? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow there for several years after that?
A It wasn't quite that long, about 3 years I guess.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 8 1900

George Starr et al :

Applicant, GEORGE STARR, re-called, and further examined;

BY MR. HASTINGS:

Q Have you been married a second time? A Yes sir.
Q When were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the [illegible] child Arthur, 19 years of age, is identified upon the Wallace roll; his roll; he avers that he was married to one Malinda Jones; who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee Freedmen on a doubtful roll; they will be notified by the Dawes Commission of the conclusion in their case at their post-office address where it is arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.

Subscribed and sworn to before me this July 1st, 1901.

(signed) T.B.Needles.
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this August 27th, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 24, 1901.

In the matter of the application of George Starr, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee nation.

Q What is your name? A George Starr, Jr.
Q How old are you? A 24.
Q What is your post-office address? A Hayden.
Q What district do you live in? A Goweesemoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody.
BY MR. SMITH:
Q Who was your father? A George Starr, Sr.
Q Where does your father, George Starr, live? A On Lightning Creek.
Q Who was your mother? A Malina Starr.
Q Is she living or dead? A She is dead.
Q How old are you? A I am 24 years old.
Q Where do you live? A I live on Lightning Creek.
Q What is your post-office? A Hayden post-office.
Q How long have you lived on Lightning Creek? A All my life.
Q That's in the Cherokee nation? A Yes sir.
Q How long have you been here before the Commission, on the ground? A I have been here over since last week.
Q Were you here when your father applied for admission? A Yes sir.
Q Is the George Starr who applied for enrollment here before the Commission the same George, is he the George Starr who is your father? A Yes sir.
Q Who do you apply for? A Nobody but myself.
Q Not married? A No sir.
BY MR. HASTINGS:
Q You were born on Big Creek? A No, I was born on Lightning Creek.
Q Who were your neighbors when you first remember? A Jack Landrum and Lewis Wright.
Q Are you married? A No sir.
Q You are living with your father all the time? A Yes sir.
Q Live with him now? A Yes sir.
Q All the time in the Cherokee nation? A Yes sir.
Q You have been working some up in Kansas? A I went to school in Kansas.
Q What town? A Baxter.
Q How long did you go to school there? A 8 or 9 months.
Q You worked up there in any other place? A No sir.
BY COURT REPORTER:
Q No children? A No sir.
Q Not married? A No sir.
Q You are from the Cherokee nation? A Yes sir.
Q Drew the Cherokee money? A Yes sir.

Cherokee witnesses may well be citizens of the Cherokee nation and not enrolled also. Drew land [illegible] George Starr, Jr., Goweesemoowee District. [illegible] of the Cherokee Nation [illegible] [illegible] on [illegible] George Starr, Jr., Goweesemoowee District.

Can't recognize George Starr Jr. applied for the enrollment

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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George Starr Jr 2

ment of himself; he answers he identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls, according to page and number of the rolls as indicated in the testimony, makes satisfactory proof as to residence, he swears that he is the child of George Starr, who was listed for enrollment on D card 812, and the testimony in the application of said George Starr will be made a part of the record in the case at bar, and a copy thereof filed herewith; said George Starr Jr. will now be listed for enrollment as a Cherokee freedman on a doubtful card, and he will be notified by mail of the decision of the Commission, in the premises.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 9, 1901.

Commissioner.

NOTICE!

IN THE MATTER OF the application of George Starr Jr.
for enrollment as Cherokee citizens:

Case No. D 367

To George Starr Jr. or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 21st 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

File with George Starr Jr., C. F. D. 867

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1901.

In the matter of the application of George Starr, et al., C. F. D.813.

SUPPLEMENTAL TESTIMONY

Appearances:
L. B. Bell for the Cherokee Nation
Mellette & Smith for the applicants.

GEORGE MUSGROVE being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

(By Mr. Bell)

Q Your name? A George Musgrove.
Q Your age? A About 65,
Q Where do you live, you post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are you acquainted with one George Starr, a step son of Mose Nave? A Yes sir.
Q How long have you known him? A Got acquainted with him --let me see--let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons Kansas? A Yes sir.
Q How came you to find him in Parsons Kansas? A I was out hunting a mule, some fellow has stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1886, where did you live? A I lived on Virdigris, on Gooseneck Bend.
Q Right after the war? A No sir, right after the war I lived on Grand river.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there, and the next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 mile creek.
Q How far from Mose Nave? A About half a mile.
Q During these two years that lived within half a mile of Mose Nave did you see George Starr there? A Never did see him there.

(By Smith)

Q When was it you say you went to hunt your mule? A I dont say exactly, '67 wasn't it?
Q You are the one to know. You dont know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '69 you say? A Yes sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to Parsons Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then come back home on down Cabin creek.
Q Did you come by Vinita? A No sir, just along on Cabin creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on the railroad? A No sir, from Parsons to Independence I rode along the railroad.
Q Did you go to Independence on the railroad? A Yes sir, Parsons lies on one side of the road and Chetopa on the other.
Q When you came from Parsons home where did you travel? A I left the railroad to my left after I left Chetopa.
Q When did you go back, back to where you were living? A I went back to Gooseneck Bend.
Q How much did you come to Vinita on that trip? A About 20 miles.

guess,near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he doing there? A He was living there,I staid all night with him
Q That was a good while after the war? A Yes sir.
Q You dont know where he was in '66? A No sir.
Q You just know that you didn't see him at Hose Naves? A No sir I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No sir never met up with him.
Q You dont know if he was there or not do you? A No sir.
(By Bell)
Q When you went to hunt your mule,the railroad from Parsons to Independence was built? A Yes sir.
Q This M. K. & T. was built? A Yes sir.
Q You dont know much about dates? A No sir.
Q You found this man George Starr in Parsons then? A Yes sir.
Q Is he any kin to you? A No sir.
Q You understand that he is a step son of Hose Nave? A Yes sir.
Q You was about Fort Gibson in '66 and '7? A Yes sir.
Q And didn't see anything of him? A No sir.
Q Did you go much about Hose Naves then? A Yes sir every day or so.
Q Well acquainted with the family? A Yes sir.
Q Who was George's mother? A I dont know I wasn't quainted with her I think she was dead at that time.
(By Smith)
Q How far did Hose Nave live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No sir this side on Ranger Creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Hose Nave? A Half a mile.
Q You didn't stay at home all the time? A No sir not all the time,be at home every other day or so.
Q You say you dont know much about dates? What makes you say it was in '69 that you went to hunt your mule if you dont know dates? A I was living up here then when I went to hunt mule.
Q You said it was in '69 didn't you? A Yes sir I said it .
Q What made you say '69 if you didn't know? A A man sometimes forgets dates
Q When you said that that you didn't know what you were talking about? A Yes sir I talked to dates.
Q Was it '69? A If I could read I could tell you every date and every month.
Q Then you dont know what it was or do you still say it was '69? A I never [illegible] dont care to answer less I want to.
Q [illegible]
Q Well, I [illegible] A You just bragging a fellow [illegible] like he dont know nothing.

[illegible] Doubtful cases,D-813; D-858 and D-[illegible].

[illegible] as stenographer to the Commission, do hereby certify that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Clarence Wise

Subscribed and sworn to before me this [illegible] of October, 1901.

C. R. Breckinridge
Commissioner.

Freed D 250

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 24, 1909.

In the matter of the application of Henry Adams for enrollment as a Cherokee Freedman.

Applicant appears by Ballinger & Smith, Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to take the certified copy of the decree of the Court of Claims in the case of Hosah Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17206 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference as necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Geo. Starr, Jr., D 367;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because: First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a dependant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the case is called and filed in such individual case.

Commission:

The motion of the attorney for the applicant will be sustained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Eastern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases excluding the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given that all testimony in these cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Cher Fr D 868

Cher Fr D 868

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Sarah McNair for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Sarah McNair.
Q How old are you? A I am 16.
Q 16? A I am 20 I mean, 24.
Q Is that yourname now, Sarah McNair? A Yes sir.
Q 24? A Yes sir.
Q What is your post-office? A Lenapah.
Q What district do you live in? A Coweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself and my sisters.
Q How old is your sister? A I can't tell exactly.
Q Is she here? A Yes sir, they are all four here.
Q They are here to enroll themselves? A Yes sir.
Q Are you married? A No sir.
Q Ever been married? A No sir.
Q Got any children? A No sir.
Q What is your father's name? A George McNair.
Q Are you on the roll of 1880? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q What is your mother's name? A Martha Nave before she was married.
Q You claim your citizenship through your father or mother, or both? A Both.
Q Have you got any witnesses? A Yes sir.
Q Have your father and mother been enrolled here yet? A They are dead.
Q Your father and mother are both dead? A Yes sir.
Q BY MR. HASTINGS, Cherokee Rep've;
Q When did they die? A I can't tell exactly.
Q Before the Kern-Clifton enrollment? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir, on the Wallace roll.
Q Where were you born? A In Coweescoowee.
Q Cherokee Nation? A Yes sir.
Q Lived there all your life? A Yes sir.
Q Who are your witnesses? A Dinah Vann and Ed Vann.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 184 #873 Sarah McNair, Coweescoowee District; Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant not identified thereon.

DINAH VANN, being sworn and examined by Com'r Needles, testified as follows

Q What is your name? A Dinah Vann.
Q How old are you? A 30.
Q What is your post-office? A Lenapah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Your name on the roll of 1880? A Yes sir.
Q Do you know Sarah McNair, the applicant? A I raised these children; I raised 5 of them.

Exhibit M

Sarah McNair 2

Q Well I am talking about this one? A Yes sir.
Q What was her father's name? A George McNair.
Q What was her mother's name? A Martha Nave.
Q Were they slaves? A Yes sir.
Q Who did they belong to? A Miss Nave, Alex Nave's wife.
Q Was she a Cherokee? A Yes sir.
Q When did George McNair die? A Well I couldn't tell you.
Q Did he die before the war? A Oh no sir, he died on Pryor's Creek.
Q About how long ago? A I don't know how long.
Q When did Martha die? A She died since he died.
Q And they both died since the war? A Yes sir.
Q Well about how many years ago? A I don't know exactly how many years.
Q You say they were the slaves of Nave? A Yes sir.
Q Were they taken out of the Cherokee Nation during the war? A No sir, they didn't take them out.
Q Never took them out of the Cherokee Nation? A No sir, they aint never been out until time of the war.
Q Then they went out did they time of the war? A Yes sir.
Q Where to? A She is my daughter; went to Kansas.
Q Where did George go? A Went south.
Q When did George and Martha come back? A Martha came back when I did.
Q When was that? A '66.
Q She lived here until she died? A Yes sir.
Q When did George come back? A I don't know exactly, the men folks will know.
Q You don't know? A I don't know exactly when George died.
Q Did they live together as man and wife after they came back until they died? A Yes sir.
Q This child born there? A Yes sir.
Q What's the names of the other four children? A Laura is the oldest one.
Q Is Laura married? A She was married, but she aint married now.
Q What's her husband's name? A Frank Johnson.
Q What is the next one after Laura? A Isabella.
Q Is she married? A She was married, but she aint married now.
Q Who was she married to? A Eddie Vann.
Q What is the next one? A Flora.
Q Is she married? A Yes sir.
Q Who did she marry? A Will Love.
Q She living with Will Love now? A Yes sir.
Q What's the next one? A Annie.
Q Is Annie married? A No sir.
Q Annie is single? A Yes sir.
Q Are you the grand-mother of these children? A Yes sir, I raised all 5 of them since their mother died.
Q They are all the children of Martha Nave by George McNair are they? A Yes sir.
Q And Martha came back here in '66? A I brought her back with me in '66.
Q Is your name on the roll of 1880? A I guess it is.
BY MR. HASTINGS:
Q How old was this girl's mother when the war came up? A She had 2 children.
Q What was their names? A When the war got up?
Q Yes, when it come up? A 2 children.
Q You think she had 2 children? A Yes sir, she had 2 children.
Q What was their names? A Laura and Bell.
Q That was before the war? A No, it must have been since.

Q Well these children were they born before the war or since the war? A Since the war.
Q Where were they born?A On Pryor's Creek.
Q Where was this girl born?A Yonder in -
Q In Kansas?A No sir, whenever had nary a child in Kansas, all of these children were born on Pryor's Creek and the Verdigris.
Q Well was this one born on the Ver digris? A Yes sir.

Applicant, SARAH McNAIR, re-called, and further examined;

BY MR. HASTINGS;
Q Did you apply before the Kerns-Clifton Commission for enrollment A Yes sir.
Q Under what name? A McNair.
Q What is your first name?A Sarah McNair.
Q Where did you apply? A Lightning Creek.
Q Were you enrolled? A Yes sir.
Q Did you draw money? A Yes sir.
Q On the Kern-Clifton roll? A No sir, on the Wallace roll.
Q Well I mean when Kern and Clifton was around here, did you make application then? A No sir.
Q You didn't? A No sir.
Q Why didn't you? A My grandmother didn't get the money.
Q Well did you apply for enrollment before the Kern-Clifton Commission?A Yes sir.
Q Under what name? A McNair.
Q That was 5 years ago? A Yes sir.
Q Where did you apply? A Lightning Creek.
Q At Hayden? A Yes sir.
Q And you applied under the name of McNair?A Yes sir.
Q Did you go in yourself and testify? A No sir, my grandma testified.
Q This woman?(pointing to witness) A Yes sir.

Witness, DINAH VANN, re-called and further examined;

BY MR. HASTINGS;
Q Where did you live before the war? A Lived right in Flint.
Q Where did this girl's mother live? A Right there in Flint with me, the same owners.
Q You had the same owners?A Yes sir.
Q I am trying to get from you how old her mother was when the war come up? A Well I don't know exactly.
Q Was she grown?A Yes sir, young woman, grown when the war come up.
Q Had no children? A She had that oldest girl.
Q What was her name?A Laura.
Q Then Laura was a slave herself? A Yes sir.
Q Where did you go during the war? A Kansas.
Q Did the mother of this applicant go with you? A Yes sir, she went with me.
Q What place in Kansas? A 6 miles above Iola.
Q Now Aunty, who came along in the same crowd that you came in?A I couldn't tell you,who all there was, but all of my kinfolks come along, Joe Wolf.
Q Who else come along? A Moses Nave, he is dead.
Q Moses Nave came along? A Yes sir.
Q Who else came along? A George Landrum come along.
Q Who else? A Well I couldn't tell you who all now.
Q Where did you come to? A Pryor's Creek.
Q To what place on Pryor's Creek? A Up the creek there right there where the auction house is now.

Q And you located right there did you? A Yes sir.
Q Well now this girl's father and mother were not married at that time were they? A No sir, they married there on Pryor's Creek.
Q What time of the year was it you got there? A '66.
Q Well what time? A Oh I couldn't tell you.
Q You know whether it was in the spring or summer? A In the spring
Q In the spring of '66? A Yes sir.
Q You made a crop there that spring? A Yes sir.
Q On whose place? A Our own, we plowed land and made a crop.
Q Was it a new place or an old place? A New place.
Q You made a new place there that year? A Yes sir.
Q What Cherokees lived around you? A I didn't know any but John Grass.
Q Did he live there? A He lived there in the house.
About how far from you? A About 6 miles.
Q How long after you came back now until you saw this girl's father
A Well it wasn't long.
Q Where did this girl's mother die? A Die to my home on Pryor's Creek.
Q Did she continue to live with you all the time while she was living with her husband? A She lived there in a half a mile, but she died at my house. He was dead then.
Q Where did he die? A He died there at his house, half a mile, and then she took sick and come to my house and she died right in my house.
Q Did she ever live off of Pryor Creek after the war? A No sir.
Q She always lived right there? A Always right there.
Q And this girl was born there was she? A This girl was born there.
Q She wasn't born when you came back here after the war? A No sir.
Q Did you apply for this gid to the Vann-Clifton Court 5 years ago when Vann and Clifton and Turner and all of them were around, like they are now, did you try to enroll this girl, to draw her money?
A I don't know, sir, I didn't get no money.
Q Did you go in though before the court and testify about her or not? A I testified for the children.
Q Did you for this one? A I must have tested, I had them all, I had all the children and raised the whole family.
Q What did you say her father's name was? A George McNair, and he died.

BY COM'R MEKDLES:

Q Your name is on the 1880 roll? A Yes sir.
Q Was your daughter Martha's name on the roll of 1880? A She dropped at Vinita.
Q Her name now is Martha Nave, her name when she died was Martha Nave? A Yes sir.
Q Did she have a husband named Nave? A No sir, she just went by owner.
Q She never went by the name of Martha Vann? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's mother, and not found.

BY MR. HASTINGS:

Q Was you and Ed Vann living together when you came back here after the war? A No, we married since, I come back with a man named Armstead Bell, that was my man then.

--- ooo ---

REMAINDER OF THIS CASE TAKEN BY STENOGRAPHER _____

Sarah McNair 8

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 8, 1903.

Commissioner.

CONTINUED, by stenog. _____

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PAN-AMERICAN EXPOSITION
[illegible]

Cait'a 1. June [illegible] 1909.

[illegible] MCNAIR applicant, continued: Former portion taken by Steve Crapsey, [illegible].

[illegible], being sworn and examined by Commissioner T. M. Meadows, testified as follows:

What is your name? A. [illegible] Jane.
Your post office? A. Lenapah.
How old are you? A. 38.
Are you the husband of Dinah Vann? A. Yes, sir.
Do you know the applicant Sarah McNair? A. Yes, sir.
What was her father's name? A. Joseph McNair.
Was he a slave? A. Yes, sir.
To whom did he belong? A. Belonged to Susanna McNair.
Did you know her mother? A. Yes, sir.
Was she a slave? A. Yes, sir.
To whom did she belong? A. Alsek Nave.
Well, do you know whether her mother and father went out of the Cherokee Nation? A. Judge we went north.
They were not married until after the war? A. No, sir.
Where did Martha go? A. She went North.
Do you know when she returned? A. No, I don't.
When did you first see Sarah? A. Down in Dry Creek.
Where? A. Here.
Is she the mother of Sarah McNair? A. Yes, sir.
Where was Sarah born? A. Sarah was born up here.
In the Cherokee Nation? A. Yes, sir.
Always lived in the Cherokee Nation? A. Yes, sir.
Do you know when George McNair came back? A. No, sir.
When did you first see George after the war? A. Well him and Martha McNair was married when I saw him and had one child.
In 1907? A. Yes, sir.
Do you never see them until then and don't know when either of them returned? A. No, sir.

[illegible] MCNAIR: Sarah McNair applies for the enrollment of herself. She avers that she is a child of George McNair; that her mother was Martha Nave. She avers that George and May Nave were married after the Civil war and that she was born and raised in the Cherokee Nation and lived there all her life. She avers that she is unmarried. As to proof of her citizenship and as to the time when her father and mother returned to the Cherokee reference is made to the testimony. She cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll but she is duly identified upon that roll according to the name and number as indicated in the testimony. She will not be listed for enrollment as a Cherokee Freedman upon doubtful or mixed blood roll. She avers that she was raised by Dinah Vann, who was her grand mother, Dinah Vann having been the mother of her mother. The said Dinah Vann is duly identified upon the authenticated roll of 1880. [illegible] will be a witness in the action [illegible] Commissioner [illegible] Sarah May McNair.

[illegible] Commissioner.

[illegible] Sarah, being first duly sworn, stated that she resides near Lenapah in the Cherokee Nation; that she is twenty years of age; that she is married and [illegible] in this case, and [illegible] forgoing is a true and complete transcript of her testimony taken thereon.

Subscribed and sworn to before me this [illegible] day of June, 1909.

F.L. 868

Proof of Service made
and original filed with the
DAWES COMMISSION.

SEP 2[illegible] 1901

R

SEP 20 1901

NOTICE!

IN THE MATTER OF the application of Sarah McNair for enrollment as Cherokee Freedmen:

Case No. F. D 868

To Sarah McNair Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 9th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

SUPPLEMENTAL:C.F.D.-66 Sarah McNair

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I.T., October 28, 1901.

In the matter of the application of Sarah McNair for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
Mr. Smith, of Wallace & Smith, for Applicant;
Mr. Davenport, of Attorney's, for the Cherokee Nation.

(By Stenographer: This testimony was originally taken down by Stenographer J.O. Mason, and afterwards dictated by him to Stenographer H.D. Green, and is transcribed by the latter.)

S.M. MAYES, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name? A S.M. Mayes.
Q How old are you? A 66.
Q What is your post-office? A Pryor Creek.
Q Are you ex-Chief Mayes of the Cherokee Nation? A Yes sir.
Q You want to give some testimony in Cherokee Freedman doubtful case 966? A Yes sir.
Q The case of Sarah McNair? A Yes sir.
Q What do you want to say about that? A (No reply)
BY MR. DAVENPORT:
Q Did you leave the Cherokee Nation during the war, Mr. Mayes?
A Yes sir.
Q When did you return? A I came back first in 1866.
Q Where did you come to then? A Came to Pryor Creek.
Q How long did you stay there? A I left there then in November of the same year, '66.
Q When did you come back and locate permanently? A I come back in '67; I was in the Cherokee Nation again in '67.
Q To what point did you come then? A That I left here?
Q Yes sir.? A I went to Red River and moved back in the Fall of November.
Q To what point did you come in 1867? A I come to Pryor Creek.
Q Did you know a colored person by the name of Sarah McNair, now? A No sir.
Q Do you know one by the name of Jane Whitmire? A I do not.
Q Did you ever know a colored woman by the name of Dinah Vanhater Naves? A I knew one we always called Dinah Naves; she was the wife of a colored man by the name of [illegible]
Q Where did you see her [illegible] and when? A The first time I saw her after [illegible] home place.
Q Where was [illegible] Pryor Creek.
Q Did you ever know [illegible] A [illegible]
Q Who did you [illegible] I don't know, she had a [illegible] I [illegible] only I know she woman as [illegible]
Q [illegible] for [illegible]
Q He was a [illegible]
Q He was the [illegible]
Q What year did you say [illegible] in 1866.
Q Where was it you [illegible] where my mother lived.
Q Did you know her before [illegible]
Q Did you have any [illegible] of Texas from Cherokee name? A [illegible]
Q [illegible] you [illegible] back in 1866

Sarah McNair (cont'd)

A I live [illegible]
Q Had you [illegible]
afterwards [illegible] you
there for [illegible]
Creek in [illegible]
Q How far was that [illegible]
they were living [illegible]
was about 3 or 4 [illegible]
Q Where was the [illegible] to where Alberty lived? A About six miles.
Q Were they there in 1867? A I never saw her there in '67.
Q Do you know whether she is living now or dead? A I don't know whether she is living or not.
Q Do you know whether her husband Armstead? A Armstead is dead.

BY MR. SMITH:

Q Whose husband is Armstead? A That was her aunt Dinah, old aunt Dinah; I understand that is the same person.
Q About how old would she be now? A She would be an old lady.
Q About what age would you say? A I suppose she would be somewhere in '60s.
Q And you called her Dinah Nave? A Yes sir, her husband was named Armstead and they both belonged to old Alex Nave.
Q Do you know whether the woman you are talking about is the same woman who now goes by the name of Dinah Vann? A Couldn't; only understand so.
Q You don't know of your own personal knowledge? A No sir.
Q Well you came up in the spring or summer of 1866? A Yes sir.
Q And you stayed here a short time and went away again? A I stayed there until November, I left prior to November 1866.
Q And you came back here what time? A I came back in the [illegible]
Q And [illegible]
that fall and went back to [illegible]
Q Your folks, the family, were not out [illegible]
until when? A They came back in '67, fall of '67, in [illegible]
Q Who was the owner of this woman you are talking about, Alex Nave? A Alex Nave, yes.
Q How far was that from where you lived when you came back? A We lived in Flint District about 3 or 4 [illegible] or 5 miles near Evansville and Alex lived about a mile and a half from where I lived.
Q You came back to Pryor's Creek? A Yes sir.
Q That was about how far from where Alex Nave lived prior to the war? A About 60 miles.
Q You were about 60 miles from the old home of this slave? A Yes sir.
Q You don't know when she first came back to the Cherokee Nation?
A No sir, the first time I saw her was in '68.
Q You don't know how long she had been back when you saw her?
A No sir.

COMMISSIONER: [illegible] of this testimony will be filed in Cherokee Freedmen Docket [illegible] 640, 642 and 707.

M.D. Green, being first duly sworn, at the request of stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case as dictated to him from the stenographic notes of J.C. Starr by Anna Hagan, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this [illegible]

J. C. Starr
[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah McNair, and others, as Cherokee Freedmen, consolidating the applications of

Sarah McNair,.....Cherokee Freedmen D 868
Flora Love,.....Cherokee Freedmen D 878
Isabell Vann, et al.,.....Cherokee Freedmen D 898

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Sarah McNair, for herself; by Flora Love for herself; and by Isabell Vann for herself and her sister, Dinah McNair.

The evidence shows that all the applicants herein were born since 1866 and are the descendants of Martha McNair, who was the slave of a Cherokee citizen at the commencement of the Rebellion; that the said Martha McNair was taken to Kansas during the Rebellion but returned to the Cherokee Nation prior to January 19, 1867.

The evidence further shows that the said applicants have resided in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that the said Sarah McNair, Flora Love, Isabell Vann and Dinah McNair should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this JAN 2 1904

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-868, 878, 898.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, in the consolidated case of Sarah McNair, et al., granting the applications for the enrollment of Sarah McNair, Flora Love, Isabell Vann and Dinah McNair as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. H-5.

ATTORNEYS:
W. W. HASTINGS.....Tahlequah, I. T.
J. L. BAUGH.....Chouteau, I. T.
STENOGRAPHER:
J. C. STARR.....Vinita, I. T.
MARSHALS:
JOHN PARKS.....Vinita, I. T.
W. B. WYLY.....Tahlequah, I. T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.....

Vinita, Ind. Ter., _____

Dinah ~~[illegible]~~ Armstrong ~~[illegible]~~ Nor
Dinah is the Grand ~~[illegible]~~ Mother of
Father George McNair —
Mother Martha McNair,

Hereda Came fro Blue Albarty
in 1867, and Dinah Cometh our
Lawsuit in 1868, I Ameri
her before the nor —

Cher Fr D 869

Cher Fr D 869

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 26th, 1901.

In the matter of the applicati on of Jesse Whitmire for the enro llment of himself and one child as Cherokee Freedmen; said Whitmire being s worn and e xamined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant s.
Mr. W. W. Hastings, Cherokee Repr e sentative:

Q What is your name? A Jesse Whitmi re.
Q How old are you, Mr. Whitmire? A I don't know, somewheres about 40.
Q What is your post office? A Centr alia.
Q What district do y ou live i n? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Who do you want to enroll besides yourself? A One little boy.
Q What is i t s name? A Harry.
Q How old is Harry? A He is four years old.
Q Are you marri ed? A No, sir, I am not now, I have been married.
Q What was your wife's name? A Lucinda.
Q Is she living? A Yes, si r.
Q You and her separated? A Yes, sir.
Q Was she a citi zen? A Yes, si r.
Q What was her name before you married her? A Lucinda, I know her name but I can't call it right at present.
Q Was she a citizen? A Yes, sir, she was a Freedman.
Q Is her name on the roll of 1880? A No, sir.
Q You don't recollect what her name was? A Looney.
Q Lucinda Looney? A Yes, sir.
Q Where were you ~~harnink~~, Jesse? A Down here in Going Snake.
Q Cherokee Nation.
Q Have you lived in t he Cherokee Nation all your life? A Yes, sir.
Q Is this boy Harry living? A Yes, si r.
Q Is your name on an y of t he rolls of the Cherokee Nation?
A On the Wallace and Clifton roll.
Q What is your father's name? A Fox Holt..
Q What is your mother's name? A Hannah Whitmire; t hey are both dead.
Q Did t hey both die before you got your last money?
A One of them died in tim e of the w ar and mother has been dead.

BY MR. SMI TH:

Q How old did you say you were? A Somewheres along in 40.
Were you born a slave? A Yes, sir.
Q Who are your witnesses? A Sam Webber an d Lewis Wright.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation exami ned and n ame of applicant found thereon, page 153, #5802, Jess Whitmire, Cooweescoowee.
The Wallace Roll of Freedmen of the Cherokee Nati on examined and name of applicant found thereon, page 147, #5082, Jesse Whitmi re, Cooweescoowee Di strict.

Q Where do you li ve now? A I li ve on Big Creek.
Q How long have you lived there? A I have lived there ever since I came back to the Cou ntry.
Q What is your post offic e, Centralia? A Yes, si r.
Q What do you mean by ever since you came back to the country?
A I lived ever since I came back to the Nation.
Q When did you come back to the Nation? A I come back in '66, fall.
Q Have you been ,li ving continuously in the Cherokee Nation ever since that time? A Yes, si r.

Q Who was your wife you say? A Lucinda.
Q Have you any certific ate of your marriage to her? A She had it.
Q Who married you? A Sam Webber.
Q How old were you when the war commenced? A I don't know how old I was, I was just a little bit of a boy.
Q You don't remember anyt in g about that yourself? A I don't know, just how old I was.

BY MR. HASTINGS:

Q You remember y our owners before the war? A Yes, sir.
Q Yo u were big enough to remember that were you? A Yes, sir.
Q What was your owner's name? A Johnson Whitmi re..
Q N ow, y ou remember that of your own knowledge? A Yes, sir.
Q What was Johnson's wife's name? A Tempey.
Q Did he have an y children? A Yes, sir, had several children.
Q Do you remember any of their names? A Will and Watt.
Q You went out with your brother Sam? A Yes, sir.
Q You had a brother by that nam e? A Yes, sir.
Q Did you go out with your mother too? A Yes, si r.
Q Did your mother come back with you? A Yes, si r.
Q Her mother was Hannah? A Yes, sir.
Q Did your father come back with you? A N o, he died in time of the war.
Q Now, who else come back besides you and your brother and mother?
A I could n ot tell you who all did come back.
Q Well, name some of them t hat was along? A Will Webber.
Q Did you come back with old man Sam Webber? A Yes, sir.
Q When he moved his fami ly down? A No ~~xxxx~~ one of the detachments I could not tell you which one it was.
Q What time did you reach here, what month? A I could not tell you what month.
Q You knew five years ago didn't you? (No response.)
Q Was Peter Meigs here when you come down; was Peter Meigs li ving here when y ou come? A Yes, sir. He was living here on the creek
Q He was living there when you come? A Yes, sir.
Q What kin d of a house was he living in? A Little old log house.
Q What sized field did he have at that time? A I could not tell you.
Q Did he have corn planted? A He could not have corn planted in the fall.
Q Well, had it been planted I mean? A Little planted.
Q Well, was David Mayes li ving ~~xxxx~~ up there at that time?
A N o.
Q Well, how long after you come until Dave Mayes come?
A It was right afterwards.
Q He didn't come along with you t hen? A N ot as I remember.
Q You testified before the Kern-Clifton Commission that he came with you? A I could not tell you whether I did or not.
Q Well , now, name some of the rest of the people that came along with you besides Sam Webber himself? A I can't name them now I have forget them.
Q You don't remember a single one? A I saw I forget who all come along now.
Q Did Lewis Whitmire come with you, or Lewis Wright? A I think he was in the detachment, I won't be positive.
Q Peter Ward along with you? A No, sir.
Q He came after you did? A I don't know whether it was before or afterward.
Q Did Dave French come along with you? A I remember seeing Dave.
Q Where? A I saw him on the road.
Q Where? A I don't know whereabouts it was.
Q What ~~x~~ town did you c ome from? A Fort Scott.
Q Now, what towns did you come there along the r oads?
A I didn't come through any towns that I remember about.

Q Do you remember Oswego? A No, sir, no towns I know anything about.
Q Coffeyville? A Coffeyville wasn't there.
Q Old Parker up there? A No, sir.
Q Town of Black Dog up there? A No, sir.
Q Were there any Osages up there? A Yes, sir, I saw them.
Q Where were you married, in this country? A Yes, sir.
Q How long did you stay here before you went back? A I never has been back.
Q Well, did y ou and your mother and brother keep house separately?
A Kept house together.
Q Well, I mean separate from anybody else, you three?
A Yes, sir and my grandmother.
Q What was her name? A Amy Whitmire.
Q You and your mother and grand mother? A Yes, si r.
Q Was your grandfather alive? A No, sir, never seen him.
Q How far was that from Sam Webber's that you made a place?
A About a mile I guess.
Q You didn't get Sam Webber as a witness five years ago did you?
A No, sir.
Q Wasn't anybody testified for you and your brother Sam at that time? A That is all.
Q Why didn't you call him at that time? A Didn't call him in just called my brother Sam.

SAM WEBBER, being du ly sworn by Commissioner T. B. Needles, testified as fo llows: BY MR. SMI TH:

Q State your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live, Mr. Webber? A I live out here two miles from town.
Q This town? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and went out and come back just after the war.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Do you know this applicant, Jesse Whitmi re? A Yes, sir.
Q Do you know his father? A N o, sir , I may have knowed him but I didn't know him to be his father of course.
Q Was Jesse this applicant, born a slave? A I suppose he was.
Q Well, do you know about that? A No, sir.
Q When did you first know him? A I commenced noticing hi m there at Fort Scott when he was a small boy.
Q Who was he with? A With his mother and grand mother ad his brother.
Q What was his mother's name? A His mother was named Hannah Whitmire.
Q Didyou have reference to Fort Scott, Kansas? A Yes, si r.
Q At what time was that you first begin to notice him?
A Time of the war.
Q Do you know when this applicant, Jesse Whitmire returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A Along in the fall of '66.
Q Do you know what became of him after he came back and where he lived and who he lived wi th? A Lived right there with his brother in Sam on the farm.
Q Right there? A On Big Creek.
Q I n the Cherokee Nat ion? A Yes, sir.
Q How long did he live there? A He lived there until he married off.
Q Where has he been living since he married? A Right there on the Creek, on Big Creek.
Q In the Cherokee Natio n? A Yes, sir.
Q Do you know who he married? A He married Catherine Rogers, some called her Cat herine Mandy.

Q Did you marry him? A No, sir.
Q Who did? A I don't know who married them; they lived together as man and wife several years.
Q How long did they live together as man and wife?
A That I could not tell you, but it was a good while I know that.
Q Did they have any children? A Had one boy.
Q What was the boy's name, or do you know his name? A His name was Sam.
Q Do you know whether he had any other name besides Sam or not?
A Sam Whitmire is all I know him by.
Q Do you know what became of Jesse's wife? A She is over there on the Creek.
Q Are they still living together? A No, sir.
Q Do you know anything about a child of Jesse's named Harry?
A No, sir, I don't know that one.
Q How old was this one Sam that you speak about? A He is young man, about grown now.
Q What was Jesse's wife's name you say? A Catherine; let's see, he has been married since that himself, I married him to one of the Looney girls, I don't know her first name, she was a Looney though.
Q When did you marry him to Looney's girl? A It has been I guess five years or a little over.
Q Do you know who her he has any children of that marriage or not?
A No, sir, I don't know.
Q You don't know them of your own knowledge who Jesse here belonged to before the war? A Not of my own knowledge I don't.

JESSE WHITMIRE, the applicant, recalled: BY MR. HASTINGS:

Q Have you been married twice? A Yes, sir.
Q What was your first wife's name? A Catherine.
Q Where is she living now? A Lives on Big Creek.
Q Who married you to her? A Old man by the name of Nathan Duffin.
Q And you and your first wife separated? A Yes, sir.
Q Were you divorced? A No, sir.
Q She is still living? A Yes, sir.

SAM WHITMIRE recalled: BY MR. HASTINGS:

Q Was Sam Whitmire married when he and his brother here came down?
A No, sir, he was living with his mother.
Q What was his mother's name? A Hannah.
Q And then his mother and this boy and he lived there together?
A Yes, sir and their grand mother and his aunt.
Q What was his aunt's name? A He had one aunt there by the name of Aunt Kilby.
Q Other than? A I don't know Aunt Riley though, and then there was another one by the name of Kilvie.
Q Do you know who these people came to the Territory with other than any? A Sam Whitmire brought them he was the oldest one of the lot.
Q How long was that after you came? A Some two or three years after.
A They didn't come [illegible] you came? A No, sir.
Q [illegible]
Q [illegible] did you? A No, sir.
Q [illegible]
A [illegible]
Q [illegible]
A Yes, sir.
Q [illegible]

Q You are the man that went to Fort Gibson in 1868? A I am the one, at an early date.
Q You were with your father and some other went up to see Chief Downing at that time? A I suppose we did.
Q You afterwards got with some woman and lot of colored people and spent the winter up here on Verdigris?
A Right over here four or five miles from here.

LEWIS WHITMIRE: being sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name. A Lewis Whitmire.
Q How old are you, Mr. Whitmire? A About 62 years old.
Q Where do you live? A Live on Lightning Creek.
Q What is your post office? A Hayden, I. T.
Q How long have you lived in the Cherokee Nation? A Why I have been living here ever since I was born.
Q Are you a Cherokee freedman? A Yes, sir.
Q Recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know this applicant, Jess Whitmire? A Yes, sir.
Q Do you know whether he was born a slave or not? A He was born a slave.
Q To whom did he belong? A Johnson Whitmire.
Q Was Johnson Whitmire a Cherokee citizen? A Yes, sir. He was a Cherokee Indian.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where was Johnson Whitmire living at the war commenced?
A He was living on Going Snake on the little creek they called Pearine.
Q Going Snake District, Cherokee Nation? A Yes, sir.
Q Where was Jess, this applicant? A He was living there with his Master on the same place.
Q Do you know whether or not Jess Whitmire was taken out of the Cherokee Nation during the war? A He was taken out he went with his mother out.
Q What was his mother's name? A Hannah.
Q Do you know when Jess Whitmire returned to the Cherokee Nation after the war? A Yes, sir, he came back with his mother and son named Whitmire.
Q When? A Along in the fall of '66.
Q Where did they come to? A Come to Big Creek.
Q What became of him after he came to Big Creek?
A Why they commenced to work there making them a place and they have been there ever since.
Q Has he, the applicant, Jess Whitmire, been there ever since?
A Yes, sir, never been away as I know of, he has been working around over that country ever since that time.
BY MR. WARTINBY:
Q Did you testify for him before the Kern-Clifton Commission?
A No, sir.
Q Did he come back here with you? A No, sir, he come back shortly after I did.
Q You come back just before Christmas, '66? A Well I came back here in the fall.
Q You said it was getting cold weather? A Well, it was getting cold weather, but it was in the fall, either October or November.
Q Any snow fallen at that time when you came? A No, not very much after we came.
Q How long after you came? A Oh, two or three weeks or months.
Q You came down here near Gentry's Bluff on Lightning Creek and built Creek? A Yes, sir, we stayed there all that winter.
Q You never built until the next spring? A No, sir.
Q Then you built in the spring of '67? A That was the time we commenced to build.

Q Where did you see this boy first after the war in the Cherokee Nation? A He was on Big Creek there the first place I saw him in the Nation.
Q How far is that from Sam Webber's place? A It was just about a mile and a half or may be not that far from Sams father.
Q Was he living in a house at that time? A He was camped with when I first saw him.
Q Who was camped with him? A Sam Whitmi re and the family, there were three families of t hem.
Q Was Sam married at that time? A No, sir, he was single he was living with his mother.
Q Well what other families? A His mother and two of his aunts and his gran dmother.
Q Was his father along? A Jesse's father was dead.
Q Was his grandfather along? A His grandfather was dead.
Q What year did Wallace make a roll? A I don't recollect the year.
Q What year was it that Kern-Clifton made the roll? A Well, now I o an't recollecet that because I have forget it, never thought about it.
Q Y ou never think about dates? A I do sometimes.
Q What year were you married? A I was married in '67.
Q You are certain about that? A Yes, sir.
Q What time of the year? A It was in the summer.
Q Of '67? A Yes, sir.
Q What year was your first child born? A Can't tell you that.
Q What year is this? A It is too hard for me.
Q Do you belong to the Freedmen's Protective Association?
Objected to by Cou nsel for Applicants as being immateri al, i rrelavent and i ncompetent.
Objec tion sustained by the Commission.
Q Do you belong to the Freedmen's Protective Association?
A N o, sir.
Q Have you ever belonged to it? A No, sir.
Objec ted to by Mr. Smith, Counsel for Applicants, as being immater i al and does not tend to prove any issue in this case.
COM'R NEEDLES: I don't think it is a material question at all.

BY COM'R NEEDLES: Jesse Whitmi re, applic ant recalled:
Q Has your wife been enrolled before this Commission?
A N o, sir.
Q You didn't have any divorce from your first wife?
A No, sir , I married I married like they would all marry, didn't have an y lic ense.

COM'R NEEDLES: Jesse Whitmi re applies for the enrollment of himself an d his child, Harry. He cannot be iden - tified upon the authenticated roll of 1880 or census roll of 1896. He is fully identified upon the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony. He avers that he was a slave belonging to one Johnson Whitmire and taken out of the Cherokee Nation during t he war and returned in the year 1866. He avers that he was married to a woman, Catherine, from whom he is separated but not divorced, and that he has since married one Lucinda Lenny. He makes satisfactory proof as to his marriage, and by the bal d marriage to said Lucinda he has the child, Harry , four years of age. Said Jesse Whitmire and his same Harry will now be li sted for enrollment as Cherokee Freedmen upon a detailed card. It wi ll be necessary for the applicant to make satisfactory proof as to the bir th of the said Harry and said satisfactory proof as to the citizenship of said Lucinda Lenny, the

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ACTING CHAIRMAN.

mother of said Harry. He will be notifi ed by mail of the action of the Commission in the premises.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer t o the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proc eedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 18th day of July, 1901.

Commissioner.

Supl. C. D. #818. Freedmen. Jane Whitmire [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the Cherokee Nation.

[illegible] representative makes satisfactory proof of service on E. B. Lawson, the attorney for the [illegible] in this case, upon whom [illegible] could be introduced.

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a freedman by the name of Moses Whitmire? A Yes, I knew him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River. Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and old Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this [illegible] wagons loaded with people?
A Yes, mostly [illegible] had household goods in them.
Q Colony of [illegible] A Yes, sir, [illegible] back to the Cherokee [illegible]
Q Well now that road where was it? A It was right on this side of the [illegible] between the old Tucker place and Neosho River.
Q How far was the Neosho River? A I reckon half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you know in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you say other with him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative;

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thoughthere he lives, I have saw him ever since I have been here. I dont think I ever was at his house.

——oooOOOooo——

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

F. D. 918.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 30, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 30th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers Court on Citizenship," as follows:

"No. 89 Edward Wright
vs
Cherokee Nation.
Ex. [illegible] of June.
Answer filed.

Judgment against claimant [illegible] 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 90. Major Wright
vs
Cherokee Nation.
Ex. [illegible] Statement filed on the [illegible] of June.
1st July set. 1st Aug. set for trial.

Judgment against claimant [illegible] 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitley on the [illegible] day of June, 1878, as found on pages [illegible] and [illegible] of book [illegible] entitled, "Citizenship Record 1878," as follows:

[illegible] the Commission on Citizenship [illegible] to [illegible] claims to Cherokee citizenship.
The [illegible] claimant in the case of
Lewis Whitley
vs
Cherokee Nation,
[illegible] the following statement of his claim [illegible] to the requirement of the commission.
[illegible]

[illegible]

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the Summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year premeditating the work on his circumstances and the condition of the country at that time prevented and leaving his family in the interval of time which they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimant's family was accomplished to the point of the Nation settled by claimants for their and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 22, 1872.

Lewis Whitmire,
By W. P. Boudinot, Atty.

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the first specification of the Commission of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the Treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire,
June 26, 1872.
By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A, page 332, case No. 60, as follows:

"Case 60.

Lewis Whitmire
vs
Cherokee Nation.

Tahlequah,
July 5, 1872.

Who fields a witness for claimant being sworn.

I am I think I am about 47 years old. I live in Illinois. Lewis Whitmire is a citizen of the Nation. I have been on the premises with him but not by family person for before the war and

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of hat number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moses, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistance. As I was coming down the first time we were overtaken by the Norokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Rocky Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. when I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick Fields.
his mk.

Aaron Whitmire
vs
Cherokee Nation.

August 1, 1870.
Bluford Alberty, witness for claimant,
called and sworn.

I resided in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I [illegible] the Nation on the west side of Grand River, Cooweescoowee [illegible]

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got here. I told him I had not seen the treaty but had heard papers about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this in May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I knew Nelson Rollins. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in the Nation. Jack Landrum was one of the hand, above referred to, as Nelson Rollins. I learned from our [illegible] [illegible] delegation [illegible] [illegible] the [illegible] in coming down [illegible] the date [illegible] [illegible] While on [illegible] track [illegible] conversation with him, but [illegible]

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Neigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife all together composed my family. Louis had no family. Aaron and Nelson did. Major, Dan, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas later coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Neigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Lundrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his father on the first trip in 1866. Witness is about 52 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest:

E. L. Nicholson,
Clerk.

his
Tobey x Whitmire.
mark.

Case 95.

Aaron Whitmire & family }
vs } Claiming Citizenship.
Cherokee Nation. }

Now comes Aaron Whitmire before the Commission sitting at Tahlequah in the matter of his application for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim, to wit:

[illegible]

[illegible]

[illegible]

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to permit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never know Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having seen claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Hoige, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans. They were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation. They inquired the road to Big Creek. Nelson gave them the directions to the Road at Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select their [illegible] home.

It was after the delegation returned that I met claimant and the others [illegible] It was [illegible] I am positive it was [illegible] or probably a few [illegible]

I was not [illegible] Cross Examined.

named [illegible] claimant [illegible] of the others.

I do not know who [illegible] the war. I do not know whether they had [illegible] in the [illegible] previous to the war. I do not recollect or seeing any of the families of the parties named at the time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Walson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted, with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs)
Cherokee Nation.)

July 4th 1878.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:
D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. this Dist. bordered on the line of the state of Arks.

Claimant was resides near the eastern line of the Cherokee Nation. The settlement before the war was sparse where claimant not resides. I would say the distance from where George Whitmire resided prior to the war and claimant's present residence is so or [illegible] [illegible] stated that he had a conversation with him [illegible] as a reason for settling [illegible] he was [illegible] Arkansas Nearly after [illegible] freedom to return [illegible] and thought it was convenient to me in [illegible]

[illegible] their own [illegible]

[illegible] conversation [illegible] families in [illegible]

[illegible]

[illegible]

[illegible]

[redacted]

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself. I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long. I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there on the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day.

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knew of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken? A If he mistakes, he don't know dates; he is nothright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner [illegible], testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A [illegible].

Q What is your post office? A [illegible].

Q Are you a Cherokee Indian? A Yes, sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No, sir.

Q Are you a citizen? A [illegible].

Q What was your mother's name? A Arlie Hare.

Q Do you know Aaron Hare? A Yes, sir.

Q Was he a citizen? A [illegible].

Q To whom did he belong? A Tucke Walker.

Q Well, did you know your father before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Ma Yes, sir.

Q Did you go out [illegible]?

Q What made you [illegible] was during the war? A We couldn't stay here [illegible]

Q Thought it was [illegible] war, I had to go out.

Q You couldn't [illegible]

Q Did anything [illegible]

Q Where was Aaron [illegible] father was.

Q [illegible] up in [illegible] with me his

Q Where did he [illegible]

Q How do you [illegible] of '66?

Q And you came on [illegible]

Q Have you [illegible]

Q He he always [illegible] A [illegible], sir.

Q [illegible] A Yes, sir, lives [illegible] up on me.

Commissioner: [illegible]

Q [illegible] his.

A [illegible]

Commissioner. Aaron Webber applies for the enrollment of himself as a Cherokee freedman. His name does not appear upon the authenticated roll of 1896, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Choctaw Nation the name of Aaron Webber will be placed upon a doubtful and awaiting further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 20th day of May, 1901.

M. R. Kennedy,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 6, 1900.

SUPPLEMENTAL TRANSCRIPT

In the matter of the enrollment of Joe Ross
S. F. D. 360.

Appearances:
W. W. Hastings, for the Nation.
No appearance for the applicant.

DOUGLAS WATSON, being first duly sworn, testified as follows:

By the Commissioner:

Q. Give your full name?
A. Douglas Watson.
Q. Have you any other name?
A. What is your post office address?

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857:

Q What was your father's name? A James Walker.

Q What was your mother's name? A Miama Walker.

Q Was your father and mother here the first of the month? A Yes sir

Q They testified in this matter at that time did they? A Yes sir.

Q Do you know Samuel Webber? A Yes sir.

Q Did you know his son Samuel Webber? A Yes sir.

Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.

Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.

Q Is the the same fellow? (pointing) A Yes sir.

Q Where was he living at the time? A He lived with the elder Sam Webber at the time.

Q You know this applicant here is the same party? A Yes sir.

Q Did you know a woman named Chlora? A Yes sir.

Q What relation was she to Joe Ross? A Sister.

Q Did you know Aaron Webber a little duck legged fellow? A Yes sir

Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.

Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.

Q I mean in the year 1866? A My father bought the farm.

Q Of whom did he purchase the farm? A Of Flemmings.

Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.

Q Did he marry before or after he moved from that country? A Before he moved.

Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.

Q The date of the deed? A Yes sir.

Q What was that date? A The date of the deed is October '66.

(By Mr. Smith) Object to that if you have not the deed.

(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.

Q At that time, where was Sam Webber living? A On this farm that father purchased.

Q Where was young Sam living at the time he married? A On this farm on the same place.

Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and came to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.

Q Did they all move down at the same time? A All started together.

Q Left there together? A Yes sir.

(By Mr. Smith)

Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.

Q How did you know it? A I recognized his countenance as one man knows another.

Q How? A Well I saw him.

Q When? A Today.

Q Where? A On the street.

Q And you knew him as Joe Webber? A No sir, the name Joe Ross was not used much.

Q When did you first become acquainted with the old man Sam Webber? A In '63 he moved on that farm.

Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.

Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you know that you know this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the elder Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July or [illegible] that Sam Webber Jr. came here for his [illegible] and he came out there for this country to build some [illegible] A [illegible] the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember [illegible] A [illegible] to the day or month exactly, but that is my best [illegible]
Q Are you testifying to [illegible] your recollection? A Yes sir.
Q Do you remember [illegible] hides to that country?
A Yes sir.
Q When was [illegible] beginning of the winter of '65 and [illegible]
Q Do you remember [illegible] before that?
Q '66? A [illegible]
Q Upon [illegible] A He left and [illegible]
Q Was [illegible] first that you [illegible] the same [illegible]
Q Do you remember of Sam Webber [illegible] A I dont.
Q Do you remember of them leaving [illegible] to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dages you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedx in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me, this the 14th day of August, 1902.

Bruce G. Jones
Notary Public.

Joe Ross (sup'l) E (Continued from Steno. Chas. von Weise.

Before Commissioner Breckinridge, at Vallequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by Stenographer J.O.Rossen, and afterwards dictated by him to stenographer M.D.Green.)

HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Weber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '65.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I want say which, along about in those times I moved, that is my folks moved of course I was small. I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived there at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall.
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their family and left that country? A Well I could not say just how, but I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67. I found out that was a point certain. I didn't get an opinion about the time they left.
MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commissioner: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgment? A Yes, sir.
Q That is your best recollection? A [illegible]

Q You said I believe you know they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes?A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved, he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two?
A Yes, sir, I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?
A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '66.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops matured; they come down here and they went back up there together in the fall.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.
Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not; I know Sam and the old man come back and got the family.
Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.
Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
Q And now that final move when they took all the people out you think was in what time? I don't know, but it runs in my mind as February or March; I wont say anything about that.
Q What year? A '67.
Q You say you wont say anything about that? A I don't know whether it was or not.
Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.
Q Where was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.
Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.
Q You can't state that positively? A No sir, not unless I got something to fix the date.
Q You wont say that? A No sir.
Q How can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course that date is a long time ago; how I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.
Q You didn't go off of that farm? A No sir, just moved from the west to the east side.
Q And you were a boy about 13 years old? A Yes sir.
Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred, the death in the family of a young man that was there; I know it was '66.
Q How about that now, whom was death in the family? A There was a young man died in the family; we moved there it was [illegible] moved from one [illegible]
Q You don't know [illegible] you gave?
A Why I can [illegible]
Q I mean [illegible] the fall of 1866 [illegible] two months, [illegible]
BY MR. [illegible]
Q Did you [illegible]
Mr. Smith I [illegible] missed this or not.
Q Did you ever hide the [illegible] I have no recollection [illegible]
Q That is your [illegible]
Mary A. Higbe, being [illegible] Lafayette [illegible] Inridge, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post-office? A Mantey.
Q Is that in Kansas? A Yes sir.
BY MR. [illegible]:
Q How far do you live from Kansas City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1865.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and came up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; will old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it [illegible] this is your Bible? A I think it is, but I can't read it [illegible] anyway enough.
Q You haven't [illegible]? A No sir.
Q Well of [illegible] here of births and deaths appear this: "Franklin [illegible]"? A Yes sir.
Q And under [illegible] "Died October 23, 1866".?
A That is [illegible]
Q Who was [illegible]? A [illegible]
Q Do you [illegible] your son Franklin died?
A No sir, [illegible]
Q Don't [illegible] this Sam?
Q That [illegible] A [illegible] lived up there by me I think; [illegible] then.
Q Do you [illegible] wife died there.
Q Well do you [illegible] of your son's death? A [illegible] there was an old lady, [illegible]
Q She was [illegible]
Q Was there [illegible] Yes sir, she lived there with them.
Q Well do you have another one there during the sickness of your child? A Yes sir, [illegible] if it was a bad night [illegible] come and sit up with us.
Q Did you know a person called [illegible]? A Yes sir.
Q Now I [illegible] Mrs. Hicks as to the time Old Sam [illegible] from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.
A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:
Q About how long Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I want be positive, I guess though it was in 66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides to the community?
A No sir, I didn't charge my mind with anything like that.

Q Well now give us some idea, Mrs. Tiaka, about the time old man Joe Webber started off on this trip to the Cherokee Nation in 1866 that you mentioned about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall, summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.
Q Where did you move from to this place that you live? A Where did I move from.?
Q How long have you been living at this place now where you lived when your child died? A I have been living on the plabe ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Joe Webber made to the Cherokee Nation before this time that he came from there the last time? A No sir, I don't.
Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber that was sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the right one here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Oh, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I guess he think he was a very good boy when they lived there, but [illegible] out of my knowledge.
Q You don't [illegible] Joe Webber was in July '66 do you? A No sir.
Q You remember [illegible] Webber waiting for the old man and the [illegible] which have come after them out [illegible]
Q You don't [illegible] they came [illegible] say I would not be certain [illegible]
Q [illegible] I say they left, I can't [illegible]
Q You would [illegible] I think they did.
Q You think [illegible] sir.
[illegible]
Q I was [illegible] marrying? A [illegible]
Q Did you [illegible]
Q Was that before [illegible] they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.

BY MR. HASTINGS:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer [illegible] and got a place I think.

Q Fall of what year? A '66, and then came back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
Q You are sure of that? A Yes sir.
Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wontbe positive whether he came with them or not, when they came after their claims.
Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any track of his whereabouts.
Q Now what makes you think it was February or March of '67 that those people left there? A Well I have all reasons to believe that circumstances about it, well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Those darkey boys? A The Webber boys.
Q And what? A Trapped for game that winter on the patch of cane where we had left the seed on the farm.
Q That the winter that commences in December and ends in February, December, '66 and February of '67? A It was all in the winter of course.
Q Will the winter be pretty well over by the last day of January [illegible]? A [illegible]
Q Will the winter part of the [illegible] months is gone isn't it? A No [illegible] not in our country.
Q [illegible] winter there? A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible] country, of course that is the way by the people, of this child's death; they were there when that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now that I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir,I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st,1868" is in the same handwriting that this is do you?
A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23,1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A KICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Kicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that, it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-512, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedman Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN O. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. C. Starr,

Notary Public.

SEAL.

To be filed with _____.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereoon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months of a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never saw them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came there.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed J. C. Starr,
Notary Public.

(SEAL)

I, A. M. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A M Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

B O Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 175, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Eliza Meigs, Cooweescooowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No., 40, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 131, No. 2748, Elizabeth Meigs, Cooweescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what previsions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all came here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no leaves nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Reuben Sanders.
Q Who else? A Daniel Sanders.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No., 40, Elizabeth Daniel.
NOTE: Wife of Peter Keigs.

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Page 131, No. 2748, Elizabeth Keigs, Cocweescoowee district.

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Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no leaves nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Reuben Sanders.
Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now,
Q Were you there when they started down? A We all come together. I am a telling you.
Q But I mean when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Port Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q Those that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q What house? A That one we is living in.
Q and you are living at the same old place? A Yes sir, in the same old house.

Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes, sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
Q How far from there you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Kerns Clifton court.
Q Any other court that you know of? A I know of the Wallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce?
A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:
Page 175, No. 2657, Reuben Sanders, Coowescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson Ochelita was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1 1880? A No sir.
Q Where did they take your name? A I was in Goosneck Bend, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A.Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In '71 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyoung my knowledge how many there were.
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the Winter.
Q Did you come in August? A Yes sir.
Q Who came with you then? A Some of this family, peter Meigs and got his place; the heads of these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Mose and Bennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following? A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

By [illegible]:

Q Dont you remember any one else? A Rachel [illegible]
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you came to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may have.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
Q You staid here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmaw.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I dox not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~proof~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23,1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-501, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.
Commissioner Needles: Hasn't that already been shown?
L. T. Brown: And that they have had a continuous residence in this country since that year.
Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.
Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '66.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes, sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.
Appearances:
L. T. Brown, agent for applicants;
L. D. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authonticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? ~~Q~~ A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Prince G. Jones
Notary Public.

Supl.-C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q Nou know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:
MR DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here: never was out except during the war.

Q Where did you live before coming to Tahlequah? A Lived on Grand river east of Chouteau about ten miles.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living during the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '72.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

...

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Bruce E. Jones
Notary Public.

F. D. 391.

To be filed with F. D. 390.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1903.

In the matter of the application of Elizabeth Meigs for the enroll ment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. F. Hastings.
Applicant appears by L. F. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follow

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December, 22, 1866? up to and including March of 1867? A Yes, sir. (Here presents files.
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murde.
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Hackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder are as nearly as we can learn, as follows:

On Saturday, about dark, one sack of flour which Mr. Hayford had placed, by a boy, outside the door of his store, was stolen. Being missed almost immediately, and learning that Hackey had taken it, and was then on his way home with it, (Hackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mill, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph May, Frank Clough, Poyer Williams, Jos. Warden, and F. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left hipbone and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's last Friday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door: Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me if he was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not. He usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; went out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Neatly Hickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey. They also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Hargrave, and will no doubt be committed for trial at the next April term of the district court. He is said to be a very dangerous man; he was raised in the Choctaw Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867 as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867;

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in Company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about firteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even afterthey approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 85 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Arry of the Republic, to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '66, December? A I have lived there ever since '62.
Q Did you know Dyer Hayford? A Yes, sir.
Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the south: yes, sir he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Eli Mackey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometim in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A Hd got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched sands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackay was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford befre he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 68.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '68? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 20th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him? A You mean after?
Q When he got away after February 20th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done
Q '67? A In '68 the killing was done.
Q Few days before Christmas of '68? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-324, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal) (Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans.

Subscribed and sworn to before me this 23rd day of July, 1902.

Philip G. Reuter

Notary Public.

D. D-[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Jesse Whitmire et al for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-[illegible].

APPEARANCES:
Lewis E. Brown for applicant.
W. W. Martin for Cherokee Nation.

MR. MARTIN: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in Freedman Dorthula Sis and in Freedman Dunkirk Sis, and the testimony of Nathan Sandore, together with that filed by the Cherokee Nation in Freedman Dorthula Sis, be filed with and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur H. Grendinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur H. Grendinger

Subscribed and sworn to before me this 21st day of July, 1902.

(Seal)

[illegible] Clerk.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jess Whitmire, D 869;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within twenty days to file any of the proof of any or all of the record other than the decree already referred to.

[illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the application or the applicant on the other why an extension of time is necessary or desired.

The Commission.

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. G. Rothenberger, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 28, 1902.

Notary Public.

G7B

COPY.

Cherokee Freedman D 869

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jesse Whitmire and his minor child, Harry Whitmire, as Cherokee Freedmen.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That on June 26, 1901, at Nowata, Indian Territory, Jesse Whitmire appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his minor child, Harry Whitmire, as Cherokee freedmen. Copies of the testimony taken at various times and places in the cases of Edward Wright, C.F.D. 818, Aaron Webber C.F.D. 216, and Elizabeth Meigs, C.F.D. 391, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Jesse Whitmire, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion he was taken by his parents to the state of Kansas, that his father died during the war, and that he returned to the Cherokee Nation with his mother, Hannah, at the time Sam Webber and Peter Meigs removed their families from the state of Kansas to the Cherokee Nation. The commission to the Five Civilized Tribes in its decision rendered April 17, 1906, in the consolidated case of Joe Ross et al., C.F.D 350 et al., which decision is now before the Secretary of the Interior for his review and decision, found that Sam Webber and Peter Meigs did not remove their families from the state of Kansas to the Cherokee Nation, after the war, within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation.

The evidence further shows that the minor applicant, herein, Harry Whitmire, was born since 1866, and is the son of the said Jesse Whitmire and one Lucinda Anderson, nee Looney,

and possesses no rights to enrollment not possessed by his said parents. It is further shown that the said Lucinda Andersen, nee Looney, is listed for enrollment as a Cherokee freedman on Cherokee Freedman card D 1109; that her application for enrollment as a Cherokee freedman was denied by the Commission to the Five Civilized Tribes in its decision rendered May 2, 1905, in the consolidated case of Jane Looney C. F. D. 597, et al., and that said decision is now before the Secretary of the Interior for his review and decision.

Neither the said Jesse Whitmire nor Lucinda Andersen, nee Looney, can be identified on the Cherokee authenticated tribal roll of 1880. The said Harry Whitmire is not identified on any roll of the Cherokee Nation, having been born since the last tribal roll was made, but is duly identified as the child of Jesse Whitmire and Lucinda Andersen, nee Looney, by birth affidavit filed herewith and made a part of the record herein.

It is further shown, by a death affidavit filed herewith and made a part of the record herein, that Jesse Whitmire died in August, 1901.

Section Twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716) provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Harry Whitmire is not entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly denied; and it is further ordered that, under the provisions of Section Twenty-five of the Act of Congress above noted, the application for the enrollment of Jesse Whitmire as a Cherokee Freedman be, and the same is, hereby dismissed.

(SIGNED) Tams Bixby
Commissioner

Dated at Muskogee, Indian Territory,
this APR 19 1906

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-869.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 19, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, dismissing the application for the enrollment of Jesse Whitmire, and rejecting the application for the enrollment of Harry Whitmire, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. S-82

COPY

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

LAND:
36011-1906

December 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of June 16, 1906 (I.T.D. 5846) May 31, 1906 (I.T.D.12908-1905) and June 25, 1906 (I.T.D.7538-1905) there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated April 19, 1906, transmitting the record relative to the application of Jesse Whitmire, et al., for enrollment as Cherokee freedmen.

On June 26, 1901, Jesse Whitmire appeared before the Commissioner to the Five Civilized Tribes at Nowata, I.T., and applied for the enrollment of himself and his minor child, Harry Whitmire, as Cherokee freedmen.

On April 19, 1906, the Commissioner held that the applicants were not entitled to such enrollment in view of the previous decisions of the Commission in the cases of Jane Looney et al., and Joe Ross et al., and of Section 25 of the Act of July 1, 1902 (32 Stat. L. 716).

The record in this case shows that the principal applicant, Jesse Whitmire, was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and that during the progress of the rebellion he was taken by his parents to the State of Kansas; that his father died during the war, and that he returned to the Cherokee Nation with his mother, Hannah,

The record also shows that copies of the testimony taken at various times and places in the cases of Edward Wright, Aaron Webber, and Elizabeth Meigs, and others were made a part of this record.

The testimony shows that Jesse Whitmire returned to the Cherokee Nation in the fall of 1866 together with Sam Webber, Peter Meigs, et al., and thereafter maintained his residence in that nation.

The evidence further shows that the minor applicant, Harry Whitmire was born since 1866, and is the son of Jesse Whitmire, and one Lucinda Anderson, nee Looney. The application of Lucinda Anderson for enrollment as a Cherokee freedman was denied by the Commission in its decision of May 2, 1905 in the consolidated case of Jane Looney et al.. On June 16, 1905 (I.T.D. 5846) the Department remanded the case to the Commission for a rehearing but refused to order the applicants enrolled as Cherokee freedmen unless further proof was produced as to their identity.

Neither Jesse Whitmire nor Lucinda Anderson, nee Looney, are identified on the Cherokee authenticated tribal roll of 1880 and Harry Whitmire is not identified on any roll of the Cherokee Nation having been born since the last tribal roll was made, but is identified as the child of Jesse Whitmire and Lucinda Anderson, nee Looney, by a birth affidavit with the record.

The record also discloses the fact that a death affidavit was filed in this case, showing that Jesse Whitmire died in August

1901. The Commissioner held that Jesse Whitmire was not entitled to enrollment as a Cherokee freedman, as he had returned to the Cherokee Nation from the State of Kansas together with the family of Sam Webber subsequent to February 11, 1867, and was therefore excluded from enrollment as a freedman of that nation under the decision of the commission in the consolidated case of Joe Ross, et al., rendered April 17, 1905, and approved by the Department on June 25, 1906 (I.T.D.7538-1905).

A preponderance of the evidence establishes the fact that the principal applicant, Jesse Whitmire, returned to the Cherokee Nation during the fall of 1866 with Sam Webber, whose application for enrollment as a Cherokee freedman was approved by the Department in the consolidated case of Etta Manley, et al., in Department letter of May 31, 1906 (I.T.D. 12908-1905).

As the record shows that Jesse Whitmire died previous to September 1, 1902, his application for enrollment as a Cherokee freedman should be denied under the provisions of Section 25 of the Act of July 1, 1902 (32 Stat. L. 716), and the Commissioner's decision excluding him from such enrollment is recommended for approval.

Inasmuch as the testimony shows conclusively that Jesse Whitmire returned to the Cherokee Nation in company with Sam Webber, whose application for enrollment as a Cherokee freedman was approved by the Department on May 31, 1906 (I.T.D.12908-1905), previous to February 11, 1867, and as Harry Whitmire is the son of Jesse Whitmire, it is the opinion of the Office, that Harry Whitmire is

entitled to enrollment as a Cherokee freedman under the provisions of Section 3 of the Act of April 26, 1906 (34 Stat.L., 137), and it is recommended that Commissioner Bixby be instructed to enroll him as a freedman of that Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HED

C

YP

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

LLB

I.T.D. 24434-1906.

December 31, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 4, 1906, the Indian Office submitted the Cherokee enrollment case of Jesse Whitmire and his child, Harry Whitmire, and recommended that your decision of April 19, 1906, adverse to the claimants, be reversed as to Harry Whitmire. It states that "as the testimony shows conclusively that Jesse Whitmire returned to the Cherokee Nation in company with Sam Webber, whose application for enrollment as a Cherokee freedman was approved by the Department on May 31, 1906 (I.T.D. 12908-1905), previous to February 11, 1867, and as Harry Whitmire is the son of Jesse Whitmire, it is the opinion of the office that Harry Whitmire is entitled to enrollment as a Cherokee freedman."

Due notice of your decision appears to have been given to the parties in interest and no motion for review or rehearing has been filed. See section 1 of the act of April 26, 1906 (34 Stat., 137).

However, the Department does not find anything in the testimony showing that Jesse Whitmire, the father of Harry Whitmire, returned to the Cherokee Nation with Sam Webber on his first trip, in 1866. Sam Webber himself states in this case that

Jesse Whitmire did not come with him.

In your decision you state that Jesse Whitmire returned to the Cherokee Nation with his mother, Hannah, at the time Sam Webber and Peter Meigs removed their families from the State of Kansas to the Cherokee Nation; that the Commission to the Five Civilized Tribes in its decision rendered April 17, 1905, in the consolidated case of Joe Ross et al., found that Sam Webber and Peter Meigs did not remove their families from Kansas to the Cherokee Nation after the war, within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation.

The Department in letter to you of June 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes in the Joe Ross et al case.

Finding no reason to disturb your decision in the case under consideration, it is affirmed.

A copy of Indian Office letter submitting your report is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.
1 inc. and 2 to Ind. Of.
D.C.No. 1159-1907.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
D 889.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 18, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, rejecting the application for the enrollment of Harry Whitmire as a Cherokee freedman, was affirmed by the Secretary of the Interior, December 31, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.-141
JMH

Cher Fr D 870

Cher Fr D 870

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 26th, 1901.

In the matter of the application of JossieAlberty for the enrollment of herself and child as Cherokee Freedmen; said Alberty being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Josie Alberty.
Q How old are you? A I guess I am about 43.
Q What is your post office? A Len apah.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Have you ever applied to be enrolled by any other Nation or tribe?
A No, sir.
Q Who do you want to enroll besides yourself? A My daughter, Easter Alberty.
Q How old is she? A 16.
Q Any one else? A No, sir.
Q Are you married? A I have been my husband is dead.
Q Was your husband named Alberty? A Josh Alberty.
BY MR. SMITH:
Q Where do you live? A Up in Gooseneck bend.
Q Is that in the Cherokee Nation? A Yes, sir.
Q How long have you lived there? A All my life.
Q How old are you you say? A My parents tell me I was three years old before the war; I was born two weeks before Christmass they said and that is all I can go by; but the way I can guess it I think I am about 43 years old.
Q Do you have any recollection of yourself as to when you came back to the Cherokee Nation after the war or who took you out?
A I don't remember anything much about it.
Q You don't remember? A No, sir.
Q You say you have been living there ever since you can remember where you are living now? A Not altogether, I have been to differnent places after the war.
Q Have you any farm in the Cherokee Nation? A Yes,sir.
Q Where? A Right on the Bend of Gooseneck.
Q How long have you had it? A Ever since I have been married.
Q How long is that? A I married in '83, Josh Alberty.
BY MR. HASTINGS:
Q What was your father's name? A Henry Rider.
Q And what was your mother's name? A Betsy May.
Q You don't remember before the war? A No, sir.
Q You don't remember coming back here? A No, sir.
Q Now, with whom did you live when you can first remember?
A I can't remember half of the people.
Q Who were you living with, where was you home? A On Brushy.
Q How far was that from Chouteau? A I don't know.
Q How long did you stay there? A Good while.
Q Well, hwo old were you when you left there? A I was single woman.
Q Well, did you stay there until you were married? A No, I married up here, my father moved here, he moved up here on the river.
Q Well, did you stay there with your father on Brushy?
A Yes, sir, he went and got us after the war.
Q Before he moved? A Yes, sir.
Q Just before he moved from Brushy? A Yes, sir.
Q How long did you stay down there at Brushy before you moved?
A I can't tell you.
Q You will have to tell me something about how long now, did you stay there the year before your father moved up to Brushy?

A It might have been two or thr ee years.
Q Might It have been less? A No, sir, it may have been more.
Q You were about grown when y ou left there? A Yes, sir, I was about 14 or 15.
Q What kind of a house did you live in? A Little old log house.
Q Who were you neighbors down there? A I c an 't remember any of the names.
Q Well, an y of them? A There is uncle Jim Ri der, uncle Lige.
Q Jerry Alberty living down there? A Away below there.
Q Was any Cherok ees li ving around in that c ountry? A Yes, si r
Q What were their names? A I don't know any one but Bi ll Sunday and J im Sunday.
Q About what year did your father move away from down there?
A I c ould not tell that.
Q But you were about 14 or 15 years old? A Yes, sir.
Q I am tryin g to get your best judgment about how long you remained down there before you moved away? A I could not gu ess at it.
Q You have got no judgment at all as to that? A I wasn't grown when my father come up from the south and got us.
Q Your fat her come up here and got you? A Yes, sir, got mother one sunday and my father went south and got three of us children.
Q Was ~~xxxx~~ old man J oel Br yant living down there when you come there? A I don 't remember.
Q Do you remember R. W. Lindsey? A I think, I think my owners did I ain't certain.
Q What town were you living in i n Kansas when your father come up after you? A Little town we uses to call Indianapolis.
Q Do you know what other towns were anywheres near it?
A They say there ain't none now in Osewatomie now.
Q Who did you live with u p there? A Stayed with my mother.
Q Where were you married? A Here in Gooseneck.
Q And your husband is named Josh Alberty? A Yes, sir, I am his second wife; I married hi m in '83.
Q You went back to Kan sas after you came down here with your father? A No.
Q Never been back up there? A Oh, I have been back lots of times but not to stay.
Q How lon g did you ever stay up there? A I never staydd there but just a little while at the time.
Q Did you apply t o the Kern-Clifton Commission for enrollment?
A Yes, sir.
Q Under what name? A J osie Alberty, or Josie Wright, but I di dn't get any mon ey, but the Wallace roll I got.

The 1880 Authenticated Roll, the 1896 Census Roll and the Kern, Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicants not found thereon.
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant identified thereon, page 183, #3841, Josie Alberty, no distri ct gi ven.

BY COM'R KEELING:
Q How did you say you drew money on the Kern-Clifton roll for Master? A Yes, sir.
Q What was your mother's name? A Betsy May.
Q Betsy May living? A Yes, sir.
Q Your father living? A No, sir, he i s dead; Henry Ri der, i s dead.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant's child found thereon, page 395, #82, Master Alberty , Goweseeowee District.

BY MR. HASTINGS:
Q How man y sisters came back with you? A My father, there was just three of us he went after, two boys and one gi rl.

Q When did you first see Lewis Daniels? A First saw Lewi s ever since I got back here.
Q Where did y ou first see Lewis? A In the Nation.
Q On Big Creek? A No, sir.
Q Where? A I don't know.
Q Just met him in the road? A No, sir, some big place.
Q You don't remember? A No, sir, my father had him with him.
Q Your three sisters with you? A No, sir.
Q Your mother? A There wasn't none of them.
Q Just you and your fat her along? A Yes, si r.
Q You remember seeing him there? A Yes, sir.
Q Where did you fi rst see Kat ie Vann? A I used to stay with Kati e.
Q Before the war? A Before the war.
Q When did you see her after the war? A Shortly after I come here.
Q Where? A She was living in b elow here.
Q Where? A I could not name the place.
Q What district was it i n? A Geoweese owee I suppose.
Q Was it in Boomeneck? A No, sir, below.
Q Down here on Grand river? A Yes, sir.
Q On what side of Grand river? A I could not tell the sides of the river now if I would go there.
Q How long was it after you come back untul you saw her? A Ever sine e I remember myself I saw her.
Q How long is that after you got back? A I could not tell you that.
Q As much as seven years? A I could not tell.
Q Twenty?

Objected to by Attorney for Applicant for the reason that applicant does not know.
Com'r Needles: She says she do es not know.

L. D. DANIELS, being du ly sworn, by Commission er T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A L. D. Daniels.
Q How old are you? A 54; post office Claremore.
Q Do you know this applicant, Jessie Alberty ? A Yes, sir.
Q Do you know her mother? A Yes, sir.
Q What was her mother's name? A Oh, I know her good but I c an't c all her name right now; she lives right by me there, I can 't think of her name now.
Q Di d you know her father? A Yes, sir, he was my uncle, Henry Rider.
Q How long have you known this girl? A I have known her ever since '7 6.
Q Where was she when you first knew her? A On the Verdigris river, Cherokee Nati on; u p here where she i s living n ow.
Q Who was she with? A Henry Rider, her father.
Q Were you or were you not acquainted with Henry Rider before the war? A Yes, sir.
Q Were you acquainted with t his girl's mother? A N o, si r, I wasn't ac quainted with her mother.
Q Was Henry Rider a slave? A Yes, sir.
Q To whom did she belong? A Tom Rider.
Q Was Tom Rider a Cherokee Indian? A Yes, sir, he was.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where was Tom Rider living at the time the war commenced?
A On Grand river.
Q In the Cherokee Nation? A Yes, sir.
Q Where was Henry Rider? A Henry were there, same place.
Q Do you know whether Henry was taken out of the Nation or whether he went out during the war? A Yes, sir.
Q Well, did he go out? A Yes, sir.

Q Do you know when he returned to the Cherokee Nation?
A Yes, sir.
Q When? A He returned the fall of '65.
Q Where did he come to? A Right there at Fort Gibson, sir.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A He has been dead near about 18 or 19 years, about 18 I think, somewheres along there; I believe he died in '89 If I mistake not, I thin k he did.
Q well, where did this man Henry Rider locate after coming, what became of him after you knew him in 1865? A He moved up here on Bruchy, sir, about 25 miles from Fort Gibson.
Q I n the Cherokee Nation? A Cherokee Nation, three miles from Chouteau Station, east of the stati on.
Q well, at the time you knew him in '65 did he have any children with him? A No, sir, he didn't, he was there with Mr. Hicks, Dan Hi cks there at Fort Gibson.
Q Well, now, did you know when Josie came back to the Cherokee Natie n? A The first time I seen them I seen them in '76, Spring of '76
Q Where were they when y ou saw them? A Right up here on the river known as Geosene k, Cherokee Nation.
Q Well, who did you see anybody besides Josie? A Henry and George of the same father and mother; so said to be.
Q Which was the older, thi s gir or the boys? A Josie.
Q How old did she appear to be at that time, about how large?
A She looked to be about 14 or 15 years old:
Q D you know how long they had been in the Cherokee Nation when you first saw them? A No, sir.
Q You don't know that ? A No, sir.
Q Do you know of your own knowledge when these children were born?
A No, sir.
Q Well, about how old did Henry, the boy, appear to be at that time? A He appeared to be.
Q Y ou said this girl had t wo brothers? A Yes, si r.
Q What were their names? A Josie, George and Henry Alberty; Henry I supposed seemed to be the youngest one.
Q How old did he seem to be? A He appeared to be about nine or ten.
Q And Geor ge was between the two, between Josie and Henry?
A No, George was older than Henry, he is next to Josie.
Q Is he younger or e lder than J osie? A He is younger than this girl.
Q Did she have any sisters? A Yew, sir, she has got sisters up there now that are li ving.
Q When did you first know her sisters? A I got acquai nted with on e of her sisters at Fort Gibson, the baby that is Charley Key's wife now, they called Hannqh.
Q Is Hannah ld er er y ounger than Josie?
A She is younger I guess she is on the authenticated roll.
Q Younger you say? A Yes, sir, I guess she is younger, I don't know.
Q Well, any other sisters now besides Hannay? A Net Rider, she goes by the name of N et Scott now, on the roll it is Net Rider, and then she has got ano her sister by the name of Lena.
Q Are these last children you mention of different mothers?
A Yes, sir; one father.
Q Well, n ow do you know how many children Henry Rider had by this women, Josie's mother? A Only three that I know of.

BY COM'R MEEDLES:

Q Did you know t his girls' mother, Betsy? A Yes, sir.
Q Was she a slave? A I guess so, I didn't know of her being a slave, I just got acquainted with her since the surrender.
Q When was the first time y ou ever saw Betsy? A I saw Betsy near about the same time, it may have been a year after that.
Q After what? A After '76.

Q You didn't see her at the time you saw Henry the first time?
A No, sir.
Q Betsy was his first wife? A Yes, sir.
Q And Betsy is the mother of Josie? A Yes, sir, Henry went South and Betsy went North.
Q You don't know whether Henry and Betsy were ever married or not?
A No, sir.
Q You don't know where Betsy was a slave or not? A No, sir.
BY MR. HASTINGS:
Q Now, L. D., when you knew Henry after the war he had another ife didn't he? A Mariah, yes, sir.
Q And he always lived with her as his wife, that is, after the war?
A Yes, sir.
Q And Mariah is the mother of these children you have mentioned here a while ago? A Mother of one.
Q Mother of J enette? A Hannah.
Q Ain't Mariah the mother of Jenette or Jennie? A No, sir.
Q Who is the mother of Jennie? A Polly Rider.
Q What I mean this girl's mother is not the mother of any of these children you have mentioned a while ago? A No, sir.
Q And you never saw this girl and her mother since the war un til '76? A No, sir.
Q That is the first time you saw her? A Yes, sir.
Q Now, where has this girl been living since '76?
A Right over in the Cherokee Nation on Verdigris river in half a mile of my farm.
Q You never knew her mother before the war? A No, sir, I wasn't acquaint ed with her before the war.

JOSIE MALBERTY, the Applicant recalled: By Mr. Hastings:
Q Didn't you used to live at Iola, Kansas? A No, sir.
Q You come to Goeseneck Bend in 1874 from Iola, Kansas?
A No, sir.
Didn't y ou have a witness here named J ohn Baldridge before?
A No, sir.
Q Is your mother named Betsy? A Yes, sir, I can tell y ou who my witnesses was, N li Keys and Katie Vann and Hammer Brown.
Q Did you know a woman by the name of Louisa, have you got a sister by that name? A No, sir, I ain't got ~~x~~ ~~xx~~ no other sisters.
Q Well, half sisters? A N o, sir.
Q Do you know Louisa, Walter Mar and ~~Rif~~ Pigeon? A That's my half sister's children.
Q Then they are nephews of yourself? A Yes, sir, they is here now.
Q Where did your mother di e? A My mother ain't dead she is living, she is not dead, she is living.

KATIE VAN N, being first duly sworn, by Commissioner T.B. Needles, testified as follows: BY MR. SMITH:
Q State your name? A Katie Vann.
Q How old are you? A 56 year s old.
Q Where do you live? A Lenapah.
Q How long have you lived in the Cherokee Nation?
A Well, I was born and raised here and went out to Kansas during the war and come back here in '66.
Q Do you know this applicant, Josie Alberty? A Yes, sir.
Q Who was her father? A Henry Rider.
Q Who was her mother? A Betsy May.
Q Did you know her father and mother before the war?
A Yes, sir.
Q Was Betsy May a slave? A Yes, sir.
Q Who did she belo ng to? A Mrs. May, she was a ~~xx~~ widow May.
Q Was Mrs. May a Cherokee Indian? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Was Henry Rider a slave? A Yes, sir.

Q Whom did he belong to? A Tom Rider.
Q Was Tom Rider a Cherokee Indian? A Yes, sir.
Q Where was he living at the time the war commenced?
A On Grand river.
Q Where did this girl's father and mother live at the time the war commenced? A He was living on Grand river.
Q Were they married in Slavery times? A Yes, sir, I wasn't at the wedding, but I heard about it, I could have been there they were married.
Q Do you know when Josie was born? A No, sir, I don't recollect when she was born.
Q Was she born before the war? A Yes, sir.
Q Has Josie any sisters or brothers? A Yes, sir.
Q What are their names? A George and Henry.
Q Are they older or younger? A They are younger she is the oldest.
Q Do you know whether George was born before the war or after ?
A He was born before the war.
Q Do you know whether Henry was ~~[illegible]~~ born before or after the war or during the war? A He was born during the war, I guess, was a little baby when they went to Kansas.
Q Now, what became of the mother of Josie here?
A She lives out on Verdigris.
Q What became of her during the war? A She went to Kansas.
Q What became of these children? A She had them with her.
Q What became of their father? A He went south.
Q Who did he go with? A Went with his owners I guess, Rider.
Q Do you know when the father, Henry, Rider, first returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A In '66.
Q Do you know when these children, this applicant and her two brothers, George and Henry, returned? A It must have been in '75 or '76 somewhere along there.
Q With whom did they return? A I think he went after them if I ain't mistaken.
Q Who, Henry? A Yes, sir, their mother sent word by me when I started from Kansas for him to come after them.
Q Did you see them here in the Cherokee Nation at any time about the time you have mentioned did you say it was '75 or 6?
A Yes, sir.
Q Where did you see them? A Up on Verdigris, Bocseneck beck.
Q Who were they with? A I saw them there at their father's.
Q Do you know where Josie this applicant has been living since that time? A She lived around there with her father and with Jess Vann's folks some until she married and she married Josh Alberty and lived lut around places.
Q When did she marry Josh? A I guess about 15 or 16 years ago, I ~~can~~ forget what year.

BY COM'R NEEDLES:

Q How old was Josie when she returned in '76?
A I don't know.
Q Was she grown? A No, sir, she wasn't grown.
Q Well, when did her mother return, Betsy? A She come along about the same time.
Q She stayed there until that time? A Yes, sir.
Q Was Josie ~~[illegible]~~ born before the war?
A Yes, sir.
Q And was taken to Kansas and stayed there until '76?
A Yes, sir.

BY MR. HASTINGS:

Q Where did you live before the war? A I lived down on Grand river.
Q On which side? A On the east side.
Q How far from where Locust Grove is now?
A About three or five miles.
Q How far from you did this woman's mother life?

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A She lived about 12 miles above us up on Grand river.
Q How old were you when the war came up? A I guess I was about 18 or 19.
Q Do you ever r emember especially of seeing this girl before the war? A Yes, sir.
Q How old did you take her to be then? A She was very small, I could not tell; she must have been four or five years old.
Q Where did Rider li ve before the war? A He lived at Rider's his master.
Q On which side of the rvier did they live? A On the west side.

The 1880 Au thenticated Roll of Freedmen of the Cherokee Nation examined and name of applican t's father found thereon, page 161, #2315, Henry Rider, Ceaweescoowee District.

COM'R NEEDLES: Josie Alberty applies for the enro llment er herself and her child, Easter. She avers that she is t he child of Henry Rdi der by his wife, Betsy May, that Henry Rider was a slave as well as herself and t aken out of the Cherokee Nation duri ng the war. The evidence shew that Henry Rider returned to the Cherokee Nation in '65; further shows that the applicant did not retu rn to the Cherokee Nation u ntil the year 1875, that she has lived in the Cherokee Nation sinc e that time. The evidence produced shows that the said Henry Ri der was married to Betsy May , the mother of the applicant, and applicant returned in 1875 she was a child. Her name cannot be found upon any of the rolls of the Cherokee Nation except the Wallac e roll and she is duly identified upon the Wallace roll. Her child, Easter, is duly identified upon the c ensu s roll of 1896; her father Henry Rider is duly identified upon the authenticated roll of 1880, all according to t e page and number of the rolls as indic ated in the testimony. She avers that the said Easter is her chi ld. Consequently J osie Alberty and her child, Easter, will be li st ed for enrollmen t as Cherokee Freedmen upon a doubtful card. They will be notified of the action of the Commission when the same is arrived at.

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J. O. Rossen, being first duly sworn, states t hat as stenogr apher to the Commission to the Five Civilized Tri es, he correctly recorded the t estimony and proceedings in this case, and that the foregoing is a tru e and complete tran c ript of his stenographic note thereof.

J O Rossen

Subscribed and sworn to before me thi s 18th day of Ju ly, 1901.

Commissioner.

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File with C.F.D-870, Josie Alberty, et al.

SUPPLEMENTAL: C.F. D- 918, Henry Rider.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept.27,1901.

In the matter of the application of Henry Rider for enrollment as a Cherokee Freedman;

TESTIMONY ON THE PART OF THE CHEROKEE NATION:

Appearances:
Mr. Smith, of Mellette & Smith, Att'ys for applicant;
Mr. W.W.Hastings, attorneyfor Cherokee Nation.

BENJAMINNAVE, being sworn, and examined, testified as follows:
BY MR. HASTINGS:
Q What is your name? A Benjamin Nave or Rollin.
Q What is your age? A 37
Q What is your post-office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A I am.
Q Do you know an applicant for enrollment as a Cherokee Freedman name of Henry Rider, Jr., who lives at Lenapah? A Yes sir.
Q Mr. Nave, how long have you known him? A I have known him since '90, or '91.
Q Where did you first see him? A First saw him in Coffeyville, he was coming to Gooseneck Bend, hunting his people.
Q Did you here any conversation with him? A Yes sir.
Q What was the conversation about? that is, I mean, about his residence? A I met him in Coffeyville, and some one told him I lived down in the neighborhood where his folks lived, and he come to me and wanted to know if I knew hispeople; I told him I did; and he asked me how soon was I going down there that way; I told him I was going out pretty soon, and he rode out in the buggy with me down as far as Bill Vann's, that was inabout a quarter of where he wanted to go.
Q And you directed him to his mother's ? A Yes sir.
Q Didhe know anything about the coujatry at that time? A No sir, it was the first time he had been downthere he said; he lived in Ottawa, Kansas; he left his family down there and had come to look out a location.
Q Was he married at that time? A Yes sir, saidhe was.
Q Where didhe marry? A In Ottawa, I suppose, that's where he said he married.
Q Did you see him after that? A Yes sir.
Q About how long? A He stayed there probably a couple of months and went back and was gone about a year, and then he come back and brought his family; after he had been down there probably 6 or 8 months his wife't aken sick and died; we set up with her the night she died.
Q Did he have some children? A Had 3.
Q You know whether they were born before or after he come down there? A He brought them with him
Q What were the children's names? A I don't know their names.
Q Did you know his wife's name? A No sir.
Q What year was it you say he brought his wife down there? A Well the first time he come it was right after the Wallace payment, and he stayed down there a couple ofmonths and went back, and he was gone about a year, and come back again with his family.
BY MR. SMITH:
Q Now what Rider was that you are talking about? A Henry Rider.
Q You knew who his father was? A No sir.
Q You know who his folks mother was? A They called her Aunt Polly Rider.
Q You know that wasjust after the Wallace court? A Yes sir.

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after the Wallace payment.
Q Did you testify against this man before the Kerns Clifton court?
A No sir, I didn't testify against any one.
Q Where do you live now? A I live in Vinita.
Q Well you knew this then didn't you, when the Kerns Clifton court was in session? A Yes sir, but I wasn't around with the Kern Clifton Court, I had other business.
Q Are you around with this court? A Not particular around with it, but I am here now, summonsed here.
Q What is your business now? A My business is common laborer.
Q Aren't you in the employ of the Cherokee Nation now? A I am a witness here, summonsed here.
Q How long have you been a witness? A Why I have been here probably about three weeks.
Q Were you a witness when the commission was taking testimony on the rounds when they were taking applications at Vinita and Chelsea and Nowata? A No sir, I wasn't no witness.
Q Where were you then? A I was employed by the Cherokee Nation then.
Q Well aint you employed still by the Cherokee Nation? A Yes sir.
Q In what capacity are you employed?

BY MR. HASTINGS: Now, Mr. Smith, I submit that that doesn't impeach this man; that's no way of impeaching him; he says he is subpoenaed here as a witness.

BY MR. SMITH: All of these questions go for what they are worth, I think, as affecting the credability of the witness; I think it is competent, I wouldn't have offered it.

BY COMMISSION: Objection will be noted; answer the question.

Q Question was in what capacity are you employed? A Why to look after these people that haven't got no right on this roll.
Q That's your business? A Yes sir.
Q You are a Freedman are you? A Yes sir.
Q Have you ever been arrested for anything? A Yes sir.
Q What? A Assault and attempt to kill.
Q What else? A Nothing.
Q Were you tried? A Yes sir.
Q Where? A Fort Smith.
Q Is that the only thing you were ever arrested for? A Yes sir.
Q That's the only thing you were ever tried for? A Yes sir.

BY COMMISSION: this testimony will also be made a part of the record in Cherokee Freedmen cases number D-270, and D-218.

M.D. Green, being first dulysworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this October 8th, 1901.

Commissioner.

File with C. R. D-870.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 22, 1902.

In the matter of the application of Josie Alberty et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-870.

Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by James S. Davenport.

WILLIAM M. MARTIN, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A William M. Martin.
Q Where do you live, Mr. Martin? A I live at Osawatomie, Miami County, Kansas.
Q How long have you lived at Osawatomie in the state of Kansas? A Since December, '98.
Q Since you lived at Osawatomie did you get acquainted with a colored family by the name of Rider? A Yes, sir, I know some colored people there by the name of Rider.
Q Where were they living when you first got acquainted with them? A They were living about four miles south of Osawatomie, on a farm called the Prescott farm.
Q Do you know what the old lady's name was? A I think her name was Betsy.
Q Were there any children in the family, any sons and daughters? A Yes, sir, there were some children.
Q Do you know what their names were? A I remember George Rider and Henry Rider, and I think there was a girl named Josephine.
Q How long did you know these people there, Mr. Martin, in that county, the neighborhood where you lived? A Well, I knew them around there in that neighborhood, it was in town or living in the immediate vicinity, up till along in '70 I reckon.
Q How late in the '70s do you have any definite recollection of their living there? A Well to the best of my recollection it was in '77, fall of '77, late in the fall.
Q What, if any, circumstance happened that makes you remember that they were living there at that time? A These two young Riders were shot there by a white man.
Q Was the man any relation of yours by which you remember that? A Yes, sir, he was a brother-in-law of mine.
Q Who was it that shot the boys? A John [illegible].
Q Do you remember anything about whether or not he was tried for it, and what year it was? A I think it was at the October term of '78.
Q How after that did this family move away from Kansas, Mr. Martin? A Yes, sir, moved away [illegible] after that.
Q Have you any knowledge as to where they went? A No, sir, only I heard that there was [illegible] from the territory was going to come up and old [illegible].
Q You heard that; well, now, was that before the boys were shot? A Yes, sir.
Q And they went away [illegible] about? A Yes, sir.
Q Now when was it you [illegible] with Betsy Rider and those boys and girls? A [illegible], sir.
Q After you got acquainted with them how long did they live to you at any of the time or all of the time up to this shooting? A Well they lived right there in town where I lived sometime, and probably two or three miles out in the country part of the time.

Q Were they living in the country or town when this trouble came up between Snider and these boys? A Town, living across a block and a street from where I was living--no, I am mistaken about that, I was living in the country at that time on a farm. I had been living a block and a street from where they were living when they were shot.

MR. MCELROY: Do you know the applicant here, Josie Alberty?
A Well, I know a Josie there, I guess they are the same; I don't know her by that name though.
Q Well, do you know whether this Josie you are talking about is the applicant in this case? A No, sir, I haven't seen her since she came away from there; don't know whether she is the applicant or not.
Q Where was this Josie in '88? A Why she was living there.
Q Did you watch her all the time? A Oh, no, I didn't watch her all the time.
Q You don't know whether she left there for any time or not and returned, do you? A Well, I never knew of her being away.
Q Well, you didn't pay any particular attention to her, did you? A No, sir, I never did.
Q What county do you live in in Kansas? A I live in Miami County.
Q How far is that from the Kansas Indian A From the east line?
Q From the Cherokee line? A Well, right down south of Osawatomie is about 120 miles from the Cherokee line.
Q Well, you knew of these people living in that country now, and you didn't pay special attention to them, and yet at this date, thirty-five years ago, you could remember just whether they were absent for a month or two at a time or not, could you? A Well, I couldn't say as to that; but I never knew of their being absent.
Q Well, would you likely remember it at this time now? A If they were absent?
Q Would you remember? A I think I would.
Q You could remember now thirty-five years ago? A If I had known of their being absent.
Q Well, But what would have impressed it on your mind, the fact of them being away from there? A Why simply the fact of their going from the neighborhood.
Q But then they might have been absent without your knowing anything about it, couldn't they? A Possibly, yes, sir.
Q You don't know about that? A No.
Q Well, when were you first spoken to about the time and asked as to whether you remembered about these people or not? A In this case?
Q Yes, sir. A About three weeks ago.
Q You hadn't thought very much about these people up to that time?
A I hadn't paid any attention.
Q Hadn't paid any attention to them? A No, sir.
Q And then you remembered [illegible] these people back and attempt to locate these people away [illegible] in the years? A No, sir.
Q Don't pretend to do that? A No, sir.
month in the year, but I [illegible] to locate them every
Q You can't remember now [illegible]
sometimes I used to see [illegible] A No, sir.
see them for a week.
Q They weren't particular [illegible] of yours? A No, sir.

R. W. MEGAR, being [illegible] sworn, testified as follows:

MR. [illegible]: What is your name? A R. W. Megar.
Q What is your [illegible]? A I live on the [illegible].
Q Kansas? A Yes, sir.

Q How long have you lived in and around the neighborhood of Osawatomie, Kansas? A Well, about 35 or 6 years.
Q Where were you living at the time of the war? A At Osawatomie; that is, on a farm in Osawatomie Township, close to Osawatomie.
Q While you was living there after the close of the war did you know a colored woman by the name of [illegible], and family? A Yes, sir.
Q Do you know what her first name was? A Betsy Rider.
Q Do you know whether or not she had any children of her own that went by her name? A Yes, sir.
Q What were their names? A One [illegible] was a name like Julius or something like that; it's been a long time for a person to recollect anything they saw without a written memory unless they were interested in it.
Q Well, give the names, if you remember them; if you don't why--
A And I think then there was one named Josephine if I ain't mistaken.
Q Well, were there any others? A Yes, sir, there was two boys, George and Henry.
Q How long did they live in your neighborhood or near you after you became acquainted with them, Mr. Duncan? A Well they lived there for I guess as much as six or seven years anyhow.
Q How far from you did they live? A Well, in the neighborhood of betwixt three and four miles.
Q Do you remember anything about the boys having any trouble at any time, or were you living there in that country at that time?
A Yes, sir.
Q Do you know what the trouble was as to whether anybody was hurt or not? A Well, yes, sir, they were both hurt, but one was hurt worse than the other.
Q Well, now, who was it that was hurt? A The worst?
Q Who were the parties? A Why George and Henry.
Q Who? A Rider they called them.
Q Do you know by whom they were hurt? A Well, as I understood it a man by the name of John Snider.
Q Well now was their mother and them still living there in the neighborhood where you had known them at the time they were hurt?
A I think they were.
Q Well do you know, Mr. Duncan, is what I want to get; do you know whether or not they were living there in the country at that time?
A Yes, sir, I know that.
Q Well, now do you know when near that trouble occurred? A Well as near as my recollection, as near as I can remember, I think it was somewhere along either about about [illegible] or about 70.
Q You remember when that was; you know that they were living there in the country when the trouble occurred? That was that I have reference to.
MR. [illegible]: You think it was about 70? A Somewhere along there that that occurred.
Q Well, your recollection is not very good about those things that occurred thirty-five years ago? A No, sir, it's not.
Q A man can't do it? A No, sir, [illegible].
Q When did you first get acquainted with these people? A Why when I first got to Kansas.
Q When was that? A That was in '54, I believe.
Q You don't remember just what date you came? A No, sir, I don't.
Q When you were acquainted with them they were about so many years?
A Yes, sir.
Q They lived there some [illegible] and they had some trouble there? A Well, yes, sir.
Q Now you don't know whether they [illegible] in the territory or not? A Well, [illegible] in the
Q You can't tell whether they went back to their country or not? A I know there was some come back, and some couldn't get away.

and some of them that did come why they killed some of them on the road or shot them, some got back to home, and they was almost afeard to try to come, and there was some so poor that they couldn't come.

Q But your recollection as to days and years is very xxxxxxxxxx indefinite at this time, isn't it? A Yes, sir, it is to tell the truth about it; I can't recollect very well; I have been shot in the head and I'm getting old.

Q How old are you? A Well, to tell the truth, I'm like lots of other people, I don't know my exact age to a day; I was sold the day before Buchanan three months election and as near as I can recollect I was 27 years old in some before that; the man that sold me and he did sell me, the man that fetched me to Southwest Missouri wanted a boy then, that was my young master, and the man that cried me said I was sixteen years old.

Q Slight difference there? A Yes, sir.

Q You're not very well posted on days or dates are you? A No, I ain't now.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedman cases: No. D-815, D-818, and D-870, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 28th day of April, 1902.

P. L. Rentie
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of [illegible] ADAMS for enrollment as a Cherokee freedman:

Applicant appears by Mellett & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17309, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Josie Alberty, D 376;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be sustained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court in the Eastern District, Indian Territory.

By Mr. Smith:

The applicant further moves that he be the allowed same [illegible] including the [illegible] counsel for the applicants be allowed with [illegible] file any of the proof of any of all of the records [illegible] decree already referred to

in the case of [illegible], [illegible], vs. Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. T. Hastings.

The Cherokee Nation most earnestly strenuously objects to the allowance of this petition or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed as far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
(SEAL) Notary Public.

I, E. G. Rogers, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and correct [illegible] testimony of the above entitled cause as [illegible] the Commission, which copy was made by me.

[illegible]

Subscribed and sworn to before me this July 31, 1902.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Jessie Alberty, et al.

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MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGowan & Serven, and move the Honorable Secretary of the Interior to open their respective cases above named; to review the decisions of the Commission to the Five Civilized Tribes denying said applications; to reverse said decisions, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show:

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not abjured or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.

Domicile in the nation Aug. 11, 1866.

WHEREFORE, Said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

.....
Blue & Bulger

.....
Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF
ATTORNEYS FOR CHEROKEE NATION
BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.....

Witness,
William Martin.
Post office, Osawatomie, Kansas.

Says That I am 63 years of age, a resident of Osawatomie Kansas, I came To Kansas in the year 1856, and have resided here the most of the time since That, I was a Soldier I came back To Osawatomie in 1865 and have remained here continuously since That time, except about 18 months when I was down at Baxter Springs, I was back occaisionally while there, I knowed a Colored man named Ike Rogers, I became acquainted with him in 1865 - He was here when I went To Baxter Springs, and here when I came back, and continued To reside here untill about 1874 or 75 - I also knew Betsy, Rider, and family the old lady resided here untill about 8 or 9 years ago, the ~~boys went away in~~ Children went away down there after they were grown having been raised here

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF
ATTORNEYS FOR CHEROKEE NATION
BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D .....

Witness, R. H. Duncan Known as Dick Duncan
Post Office Osawatomie, Kansas.
Says, That He is 65 or 70 years of age a Resident of Osawatomie, Kan. [redacted] To this Township To live in the year 1865 and have lived here continuously since that time.
I was personally acquainted with Ike Rogers. I became well acquainted with him in the year 1865. I lived a neighbor to him from 1865 To 1874 or 75 When He sold out and went To the Cherokee nation I am positive that He never went back To the Nation prior To the year 1874 or 75 From the Time I first became acquainted with him. I also Knowed a Colored Woman Named Betsey Rider. I first became acquainted with her in 1863 or 1864 at Osawatomie, Kan. I lived a neighbor [redacted] her several years. She lived here untill 8 or 9 years ago, When she went To the nation I know her Children George & Henry and Josephine These Children were all

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Omm R

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
D-870 et al.

Muskogee, Indian Territory, January 10, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 10, 1905, rejecting the applications for the enrollment of Josie and Easter Alberty; George, Henry, Carlos, Flora B., and Luellen Rider, as Cherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. L-95.

D.S. 12353-1907. J.F

W.H.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 16216-1906. March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Following the instructions to you of even date relative to Henry Rider, et al., applicants for enrollment as Cherokee freedmen, you are directed to also enroll George Rider, Josie Alberty and Easter Alberty.

The matter of the enrollment of these parties was the subject of your letter of November 6, 1906. Your letter of that date has been sent to the Indian Office, with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 enclosure, and
copy hereof, to Ind.Of.

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REFER IN REPLY TO THE FOLLOWING:

Cherokee/D870

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of George Rider, et al, as Cherokee freedmen, was granted by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc I-613

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Cher Fr D 871

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TR BES,
NOWATA, I.T., June 26th, 1908.

In the matter of the applicat ion of Elizabeth Duncan for the enrollmen t of herself as a Cher o kee Freedman by Intermarriage and for the enro llment of her four children as Cherokee Freedmen; said Duncan b eing sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Smith & Mellette, for Applicants.
Mr. W. W. Hastings for Cherokee Nati on.

Q What is your name? A Eli za beth Duncan.
Q What is your age? A 47.
Q What is your post office address? A Coffeyville, Kansas.
Q What district do you live in? A Cooweescoowee.
Q Do y ou apply t o be enrolled as a Cherokee Freedman?
A No, sir, I am ado pted.
Q You apply to be enrolled as an adopted Freedman? A Yes, sir.
Q Do y ou want to enroll anybody besides yourself? A Four boys.
Q What are their names? A Clate Duncan.
Q How old is Clate? A 18.
Q The next one? A Harry.
Q How old is Harry? A He is 16.
Q The next one? A Jewel.
Q How old is Jewel? A 14.
Q The next one? A Bert.
Q How old is Bert? A 12.

BY MR. SMITH:
Q Where did you marry M Joe Dunc an? A In to Kansas.
Q Have you any certificate of your marriage to him?
A I haven't got it but I can get it.
Q When did y ou marry him? A About '88 I guess.
Q Is your husband dead, Joe Dunc an dead? A Died 13 yesterday of January last.
Q Well, were these children whose names you have given and for whom you apply all born while you were li ving together as man and wife?
A Yes, sir .
Q Have y our children ever been enrolled upon any of the rolls of the Cherokee Nation? A Yes, sir.
Q What rolls? A Kern-Clifton roll.

The Kern-Cli f ton Roll of Freedman of the Cherokee Nation examined an d names of Applicant's deceased husband and her children fou nd thereon as follows:
Page 151, #3736, Joseph Duncan, Cooweescoowee District.
Page 151, #3730, Clate Du ncan, Cooweescoowee Di stict.
Page 151, #3741, Harry Duncan, Cooweescoowee Distri ct.
Page 151, #3742, Jewell Duncan, Cooweescoowee Distric t.
Page 151, #3743, Birt Duncan, Cooweescoowee District.

BY COM'R MEMBERS:
Q Is your name on any of the rolls of the Cherokee Nation?
A I don t know whether he enrolled me or not.
Q He never drew any money for you did he? A No, sir; his name o ught to be on t he Wallace roll.

The 1880 Authenticated Roll and 1896 Census of Freedmen of the Cherokee Nation e xamined and name of applicant's deceased husband not found thereon.

BY MR. HASTINGS:
Q What is your eldest child's name? A Clate.
Q Clayton ? A Yes, sir .
Q What year were you married? A About '88.
Q Where were you married? A In Kansas.
Q What county? A Kansas City.

Q Where was Clayton born? A Bor n i n the Territory.
Q Where? A Over here where we live on the Joe Ross place, we r ent a place there.
Q On Snow Creek? A Well I guess you call it on the river.
Q On the Verdigris river? A Yes, sir.
Q How far from the mouth of Snow Creek? A I don't know.
Q Do you know where Snow Creek i s? A Yes, sir.
Q How far is that from Snow Creek? A Four or five Miles I guess.
Q Below or above? A I would call it across from there.
Q I s it across the river from Snow Creek? A No, sir.
Q What is your next child? A Harry.
Q Where was Harry born? A In the Territory.
Q What is t he n ext one? A Jewel.
Q Where was Jewel born? A In Kan sas.
Q What place in Kansas? A Mound City was out post office address you call it .
Q What was the next one's name? A Bert.
Q Where was Bert born? A Over there in the Terrtory.
Q What place? A Where we made this little place.
Q How far was that plac e from Nelson Murrell; have you got any older children than these? A No, sir; not my own, they are Mr. Dun cans.
Q Where do you live now? A I li v e up on the high prairie about four miles from what is kn own as the head of Cedar Creek, about 15 miles this side of Coffeyville, southeast of Coffeyville, about five miles west of Winer.
Q How long have you been living there? A On that place?
Q Yes. A About 16 or 18 years.
Q Constinuously? A Not altogether.
Q Got a house in Coffeyville? A No.
Q You kept hou se in Coffeyville? A I hired some there and rented a kxxbuilding to stop in.
Q You pay rent on the building now? A N o, sir.
Q When did you quit paying rent on it? A When Imoved out of it.
Q When did you move down near Winer? A I guess it has been fi ve y ears, since the Korn-Clifton mopayment, it mu t have been eight or ten years.
Q Have you lived or worked in Coffeyville, Kansa , sing e that ti me? A I have worked every place.
Q When was the last time y ou worked there? A That was the last time I worked.
Q Eight or t en years ago? A Yes, si r.
Q You haven't worked or had a house i n Coffeyville for the last eight or ten years? A As well as I remember, I don 't know wheth- er I am exact o n the year or not.
Q How about the last five years? A I haven't.
Q You know that? A Yes, sir.
Q Who are your neighbors out there near Winer, Cedar Creek, you live? A About four miles up on the high prairie.
Q Who li ves near you out there? A I can't tell you who all li ves near there, Emma Powell, Lige Robinson, Ed Sterns and Neal Sanders we call his name, I don't know him personally.
Q Where is Clayton at right now? A He is here with me.
Q Has he been li ving over there with you? A Yes, sir.
Q Actually staying over there? A Yes, sir.
Q How about these other t hree children? A I have the baby child with me on the ground and I left the others on the place there
Q Have they been living wit h y ou the last five or six years contin uou sly all the time? A N o, sir.
Q They have been to Kansas? A We go to Kansas about every two weeks and get our mail and shopping.
Q Was Duncan ever married before he married you? A Yes, sir.
Q Is she living or dead? A Yes, sir.

Q Was she living when he marr ied you? A N o, sir.
Q What was her name? A Millie Car.
Q Were you ever m arried before? A Yes, sir.
Q To whom were you married? A Knox.
Q Where were y ou married? A Mound City.
Q Where is he? A I don't know.
Q Were you ever divorced from him? A Yes, sir.
Q Where were you divo rced? A Mound Ci ty.
Q Is he living now? A I don't know, I am not able to stay whether h e is living or not.
Q He was al ve when you married the second time?
A I don t know, I was legally divorced from him.
Q When were you divorced from him? A I don't know as I can t ell that.

BY COM'R NEEDLES:

Q In the State of Kan sas? A Yes, sir; I guess it was about '83 or '84.

BY MR. HASTINGS:

Q When you were divorced from him? A Yes, sir.
Q That is your best Judgement? A Yes, si r.
Q Are any of t hese children here by your first husband?
A No, sir, not a one of them.
Q What Court in Kan sas? A In the County Court I guess you call it.
Q What town? A Mound city.
Q Your oldest child, Clayton i s 16? A Yes, sir.

BY COM'R NEEDLES

Q Is Joseph Duncan living? A No, sir.
Q Did you live with him continuously from the time you married him until the time of his death? A Yes, sir.

BY MR. HASTINGS:

Q Where did he die? A Died on our place out there.

BY COM'R NEEDLES:

Q And during your marriage with him were all these children born?
A Yes, sir.

SAM WEBBER, being first duly sworn by Commissioner T. B. Needles, testifiedcas follows: BY MR. SMITH:

Q State your n ame? A Sam Webber.
Q How old are you, Mr. Webber? A About 58.
Q Where do you li ve? A Two miles west of here.
Q How lon g have you li ved in the Cherokee Nation?
A I was bred and born here.
Q Do you know the applicant, Elizabeth Duncan, in this case?
A Yes, sir, I am acquainted with her.
Q Did you know Joe Duncan? A Yes, sir.
Q Is Joe Duncan living or dead? A He is dead.
Q Did you know Joe Duncan as the husband of this woman, is that the Joe Dun can you are t alking about? A Yes, sir.
Q Well, did you kn ow him before the war? A I never was person-ally ac quainted with hi m before the war but I saw his first wife.
Q Where did y ou first see Joe Du ncan, how lon g since you first knew him u ntil y ou say you never knew him during the war?
A I got acquainted with him thoroughly in the time of the war.
Q Where? A Fort Scott.
Q Do you know when he came back to the Cherokee Nation when he returned? A Yes, sir.
Q When? A He come to my house in the fall with two plows and some corn meal and I bought some of it from him.
Q In the fall of what year? A 1866.
Q Do you know what became of him here after you saw him in '66?
A He left the plows with me to take care of for him and was t ere to meet him a claim.

Q When did y ou next see him after that? A I saw him early in the spring of '67, he came there and got his plows.
Q When did you see him after that? A I n ever saw him for q uite a while after that.
Q Do you know whether he took up the claim or got a place or not?
A He told me he had one, he came
Q Besides what he told you did you ever see it? A After that I did.
Q Where was it? A There on the Verdigr is.
Q In the Cherokee Nation? A Yes, sir.
Q How far from where you lived? A I guess about 18 miles, as near as I could guess at it, may be nardly so far.
Q Wel ll, do you know whe her he continued to live in the Cherokee Nation or not after that time and up to the time he died?
A He was missing a while he was a stone mason and went off to work, I heard of him working off.
Q About when did you hear of him working off? A After he stayed there a coyple of years then I never heard of him mthem for quite a while, but of cour e I n ever had any occasion to go over there

BY MR. HASTINGS:

Q Now, Sam, we had some of this same investi gati on about five years ago before the Kern-Clifton Commission didn't we?
A Yes, sir.
Q You didn't at that time testify for Joe Duncan? A They didn't call me in, I was st aying there waiting.
Q It was the old man testified in the case? A Yes, sir.
Q You never did testify did you? A N o, si r.
Q You knew at that time about these plows and his corn meal?
A Yes, sir, and I would have told it if he called me in, because I was stay ing there waiting.
Q When he did locate up there did he make him a place?
A There was a house already built, a f ellow by the name of Frank Nave that went and failed to come back.
Q How far was that from Snow Creek Sam?
A three or four miles I judge.
Q What di r ection from Snow Creek? A Below Snow Creek on the r ver.
Q On what ide of the river? A On the west side.
Q He made a farm there did he? A There was a small patch there.
Q Did he have a wife with him at that time? A When he brought the plows you mean?
Q Yes. A Ye, sir.
Q Did any one come with him? A Sim Mosely came with him/
Q The two came in the same wagon? A No, si r, he had his own wagon and Si m had his own wagon. Sim moved in there and stayed right by me.
Q And t hat was in the fall? A Yes, sir.
Q All in the fall of '66? A Yes, sir, late in the fall.
Q Before Christy was? A Yes, sir.
Q Then you didn't see Joe an y more for some time, is that the way of it? A It was in the spr i ng.
Q You don't know whether he made a cro p that spring or not?
A No, si r.
Q This man was a stone mason was he? A Yes, sir.
Q When did you first see his first wife? A I saw her about three miles where I was born on the [illegible] place at Mrs. [illegible]
Q Well, after the war? A [illegible]
Q [illegible] was the there? A [illegible]
Q [illegible] married them? A [illegible]

Q Did they have any children? A They had some children.
Q What are their names at that time? A On e of them is named Lawson.
Q When did he and this woman marry? A He married after his first woman di ed.
Q Did you know her before he married? A No, sir.
Q Where did they marry? A I could not t ell you that.
Q Did they marry u p there in the Cherok e Nation?
A I sea ld n st t ell you that.
Q Do ye u know when they married? A Not exactly.
Q Do you know where their eldest child, Clayton was born?
A No, si r.
Q Do y ou know where her next one, Harry? A No, sir.
Q her next one, Jewell? A No, sir.
Q Bert? A No, si r .
Q How far does she li ve from you? A I guess 80 miles.
Q When did you move to Nowata? A Moved here three years ago.
Q Where did you move from then?
A From o n Big creek.
Q How far did she live from you three years ago? A I gu ess 15 miles.
Q Where was she living? A Up here towards Snow Creek, somewheres on the high prairie there.
Q Close to Snow Creek? A Yes, sir.
Q How far from the Kansas line? A I don't kn ow exactlyabout, I declare I don't, fou r or five miles.
Q Did you ever know of her living in Coffeyville? A I met her there once to my knowledge, I stayed all night an d shook hands with her , if they were living there I don't know.
Q Do you know whether they were keeping house or not?
A No, sir, I don't.
Q When was that? A I declare it was before he di ed.
Q Do you know where he died? A He died up here on his place.

ELIZABETH DUNCAN, the applicant recalled: BY COM'R MEEDLES:

Q Is that one of yours Clate named Colte or Clayton?
A Robert Clayton.
Q Well, now, these other children? A They have got double names do y ou want them?
Q Yes? A Well, Harry August, Jesl C. Benjami n Franklin.

POMPEY DUNCAN, being du ly sworn by Commissioner T. B. Meedles, test ified as fo llows: EXAMINED BY MR. SMITH:

Q Stat e your name. A Pompey Duncan .
Q How old are you? A About 48 or 49 I don't know just exactly which.
Q Did you know Joe Duncan when he was alive? A Yes, sir.
Q Do you know this applicant, Eli sabeth Duncan? A Yes, sir, I got acquainted wi th her.
Q Is Joe Du ncan any kin to you? A My half brother.
Q Who was Joe Duncan's father? A I don't know who his father was.
Q You don't know his father? A No, sir.
Q When did you first get acquainted with Joe? A I was raised up with Joe partly raised with him until the war broke out.
Q Was Joe a slave? A Yes, si r.
Q To whom did he belong? A He belonged to a woman by the name of Millie Duncan.
Q She was an I ndian? A Yes, sir.
Q Citizen of the Cherokee Nati on? A Yes, sir.
Q Do you know whether Joe went out of the Cherokee Nation during the war? A No, sir, I was too young and remember ed I could not tell you.
Q When did you see him back in the Cherokee Nation after the war?
A The first time I saw [illegible] the war was up here at Oologah [illegible]

Q First or second campaign? A Second campaign.
Q How lon was that after the war? A It has been quite a while.
Q You don't know when Joe Duncan first come back? A No, sir.
Q Is he li ving or d ead? A Has is dead.
Q Where did he die? A He died at his home place.
Q How far from you? A I don't know just exactly hat far it is.
Q I n the Cherokee Nation? A Yes, sir.
Q Do you know Elizabeth Du ncan? A Yes, sir.
Q Was she Joe Duncan's wife? A Yes, si r.

BY MR. HASTINGS:

Q well, Pompey? A Yes, si r.
Q You come back to the Cherokee Nation after the war did you?
A Yes, sir, I did.
Q What plac e did you come to? A Down here in Sequoyah District.
Q When did you move up in this country? A I have been here quite a good long while.
Q Well, about how long? A I could not tell you, it has been about 15 or 16 years may be 17 years, I could not tell you.
Q Well, now, where did you first live up here? A I fi rst lived right here on Dog Creek.
Q Well, did you go around up on Big Creek any at that time, among your old friends? A No, si r.
Q I mean when you first come up here? A N o, sir, I haven't visited much only for the last late years.
Q Well, you didn't see Joe Duncan unt i l Mr. Joel Hayes second campaign? A N o, sir.
Q Do y ou know whether that was in '91 or not? A No, si r.
Q You don't know when that second campaign was? A No, si r.
Q well, it was eight or ten years ago, about ten years ago?
A I expect it was, about ten years ago, as near as I can recu llect.
Q How far did you live from Joe Duncan before the war?
A Me and him w as li ving right in the same yard together before the war.
Q On which side of grand river? A On this side of grand river.
Q Malinda Johnson's? A N o, sir, up this side of Grand river.
Q Well, was it at Malinda J ohnson's? A It was at Milli e Duncans.
Q That was on Flat Rock w as it? A Yes, sir up on Flat Rock ther

HARRY STILL, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Harry St ill.
Q How old are you, Mr. Still? A 54.
Q How lon g have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Elizabeth Duncan? A Yes, sir .
Q Did you know her husband? A Yes, si r.
Q What was his name? A Joe Duncan.
Q Is he living or dead? A Dead.
Q When did he die? A Don't know, I think though he has been dead two or three years.
Q Do y ou know where he di ed? A Up between here and Coffeyville.
Q How long have y ou known Joe Duncan? A Since '62.
Q Was he a slave? A Don't know that.
Q Where did you get acquainted with him? A Got acqu ainted with Joe at Fort Smith, '62.
Q Do you know what he first rein rned to the Cherokee Nation after the war? A Yes, si r.
Q When was it? A First time I saw him was in the winter of '68 on Big Creek, San Bernard.
Q Do you know how long he stayed in that vicinity, in that neighborhood? A Don't know, could not say, but then 2 two years

aft er that.
Q Where did y ou see him then? A The next time I saw him was near the mouth of Snow Creek.
Q How far was that from where you live? A Must be 20 mi les.
Q How far from where you saw him at Sam Webbers? A Must be ten or twelve miles.
Q What was the circumstance of your seeing hi m when you saw hum near Snow Creek? A He was living there.

BY MR. HASTINGS:

Q Have a wife the second time you saw him after the war?
A N o, sir, he had a wife the first time I saw him.
Q Did you see his wife with him? A Yes, si r.
Q Was he in a wagon? A He was i n the house I saw him.
Q At Sam Webber's. A No, sir, in the house.
Q I thought you said when you saw him the first time he had his wife? A N o, sir, he didn't have his wife the first time I saw him.
Q How many children did he have? A I don't think he had more t han one or two and it was a baby.
Q Do you remember that one's n ame? A N o, si r.
Q Well, now, do you remember whether it was one or two?
A I am not positive.
Q You knew he had a baby? A I know the woman had a baby.
Q And t hat was about two years after '66? A Yes, sir.
Q You testified in the George Thompson case the other day didn't you? A No, sir, oh, George Thompson, old man George?
Q Yes? A No, sir.
Q You didn't testify in that c ase? A No, sir.
Q You testifi ed in the Alfred Bell case didn't you?
A Yes, si r, I were did.

N ELSON MURRELL, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name. A N elson Murrell.
Q What i s your age? A 77.
Q How long have you lived in the Cherokee Nati on?
A I have li ved in the Nation 77 years in ~~xxx x xxxxxxx~~ not in this Nati on.
Q Well, ho w long have you lived in this Nation? A I come here in the year 1850.
Q Do you know this applicant, Elizabeth Duncan? A Yes, sir.
Q How lon g have you known her? A I have known her about 18 years.
Q Did you know her husban d? A Yes, sir.
Q What was his name? A J oe Duncan.
Q Is he livin g or dead? A Dead.
Q Where did he die? A Out on the prearie here where I live.
Q About how far? A About eight miles.
Q Was o ne Nation? A Yes, si r.
Q How long had he been living there when he di ed?
A About 12 years, about 12 or 14 years.
Q Do you know his children? A You are speaking of hi s youngest or his oldest? A
Q I am talking about her children, Elizabeth's? A Yes, sir, I know them when I see them.
Q Do you know whether they were married or not, Elizabeth and Joe?
A N o, sir
Q Did they live t ogether? A No, sir.
Q Were they recognized in the c ommun ity as husband and wife?
A Yes, sir.
Q How lon g have you known this J oe Duncan? A Well I have known him about 12 years, Joe Duncan.
Q Did you know him before the war? A Yes, sir.
Q Do you know whether he was a slave or not? A Yes, sir. I a

Q Was he? A Yes, sir.
Q Whom did he belon g to? A Du ncan.
Q What Duncan? A John Duncan.
Q Was John Duncan a married man? A Yes, sir.
Q What was his wife's name? A I don't recollect.
Q Was he a citizen of the Cherokee Natien? A Yes, si r.
Q Lived here in the In dian Territory? A Yes, sir.
Q Where did he live at the time the war broke out?
A He was living about Fort Gibson, about five miles on t he west side of Grand r iver.
Q Do you know what became of Joe Duncan during the war, whether he went out of the Territory during the war or not?
A Yes, si r.
Q Where did he go? A Up near Fe rt Scott, Kansas.
Q Do you know when he retu rned to the Cherokee Nation ? A Do not.
Q When did y ou first see him i n the Cherokee Nation after the war? A I saw him about '67.
Q Where was he when you saw him? A Came over to my house on t he Cardigris ri ver.
Q Do you know where he was living at that ti me? A He came from over east, from an Big Creek.
Q Did you ever go to his place? A There on Big Creek?
Q Yes? A No, sir.
Q Did you ever go to it afterwards? A I went to the neighborhood where he li ved. He moved when he came to my place.

BY MR. HASTINGS:

Q Did you know Joe Duncan after that? A Yes, sir.
Q How far did he se ttle down to you after that? A About three miles from me.
Q Have a wife with him at that time? A He had some children, he wasn't married t hen.
Q Didn't have any wife? A N o, sir.
Q Do you know where he and this woman were married?
A Married in Kansas.
Q How do you know? A He brought the woman back with him, he didn't have an y here.
Q Mr. Murrell, how long was that afterwards? A After which?
Q After you first saw him? A About ten years.
Q When he married this woman? A Yes, sir .
Q Was this his first wife? A No, sir.
Q Did he have his first wife with him when you first saw him?
A No, sir, she was dead at that time.
Q He had some children with him that he had had by his first wife? A Yes, si r.
Q Do y ou remember how many children he had? A Four.
Q Do you remember their names? A Yes, sir.
Q Name the m ? A Lawson, George, one was named Emma and the other one I have forgot.
Q These children were with him the first time you saw him after the war? A Yes, si r.
Q Were you ever at his place, or his Master's place before the war? A Well, I passed by there.
Q That was about five miles from Fort Gibson? A Yes, sir.
Q On the west side of Grand river? A West side of Grand river.
Q You don't know his Mistress's name? A No, sir.
Q Do y ou know an of the members of t he family? A No, sir, I was so quainted with Dunc an, seen him about Fort Gibson.
Q His name was John Duncan? A Yes, sir.
Q What kind of a hou se did he live i n? A He li ved i n a good pretty good log house, it was painted and lined.
Q Do you know that Joe Duncan was li vi ng there when the war came up? A Yes, sir, if my memory serves me r ight.

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78871

COMMISSIONER OF INDIAN AFFAIRS
FIVE CIVILIZED TRIBES

FILED
JUL 18 1901

ACTING CHAIRMAN

Elizabeth Duncan, et al.--9

ELIZABETH DUNCAN, the applicant, recalled: By Com'r Needles:

Q You say one of your children, Jewel, was born in Kansas?
A Yes, sir.
Q Were you living there then? A No, sir, I went off up there I was raised there.
Q Mother living there? A It wasn't really my mother, it was my father's sister and she had raised me.

COM'R NEEDLES: Elizabeth Duncan applies for the enrollment of herself as an Intermarried citizen and four children, Harry E., Jewel G., Robert C. and Ben Jamin F. She avers that she was married to one Joseph Duncan in the year 1882. It will be necessary for her to present a certificate of marriage, no certificate being presented at this time. The name of her husband, Joseph Dun can is not found upon the authenticated roll of 1880, he is now deceased. She avers that she was formerly married and obtained a divorce from her former husband. It will be necessary for her to file with this Commission a certified copy of the decree of divorce. She avers that her husband was married before his marriage to her, but his wife wasn't living at the time of their marriage. She makes proof of the return of the said Joseph Duncan, her husband, to the Cherokee Nation in the year 1868. She avers that she has been a resident of the Cherokee Nation for the last 16 or 18 years. She is now a resident. Elizabeth Duncan will now be listed for enrollment as a Cherokee Freedman by Intermarriage upon a doubtful card. Her four children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be duly notified of the decision of the Commission in the premises. The names of her four children, as enumerated herein, are identified upon the Kern-Clifton roll according to the page and number of the roll as indicated in the testimony. The name of the applicant is not found upon any of the rolls.

---oo0ooo---

J. C. Rosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J C Rosson

Subscribed and sworn to before me this 10th day of July, 1906.

Commissioner.

F. D. 871

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

....day of....., 190.....

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the..... ....day of .... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Proof of Service made and original filed with the DAWES COMMISSION.

OCT 1 1901

NOTICE!

IN THE MATTER OF the application of Elizabeth Duncan for enrollment as Cherokee Freedmen:

Case No. F. D 871

To Elizabeth F Duncan or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on Oct. 5th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 30th 1901.

L B Bell

W. W. Hastings

J S Davenport

Attorneys for the Cherokee Nation.

F D. 871

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....
day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of ....., ~~190~~

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the..... ....day of..... ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Filed
SEP 21 1901

NOTICE!

IN THE MATTER OF the application of Elizabeth Duncan for enrollment as Cherokee citizens:

Case No. D 871

To Elizabeth Duncan or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 19th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

L B Bell

M W. Hastings

Attorneys for the Cherokee Nation.

SUBPOENA.

F. D. 886.

INDIAN TERRITORY,
CHEROKEE NATION.

TO THE MARSHAL FOR THE CHEROKEE NATION:

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President December 28, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons Jesse Riley, Chelsea, I. T.

to be and appear before the United States Commission at Vinita, I. T., on the 14th day of October, 1901, then and there to give evidence in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under our hands the 4th day of October, 1901.

L. D. Bell
N. W. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

SUBPOENA.

F. D. 836.

INDIAN TERRITORY,
CHEROKEE NATION.

TO THE MARSHAL FOR THE CHEROKEE NATION:

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President December 28, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons Jerry Riley,

to be and appear before the United States Commission at Vinita, I. T., on the 14th day of October, 1901, then and there to give evidence in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under our hands the 4th day of October, 1901.

L. B. Bell
W. W. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

Supl.C.F.-D.#871.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollmenr of Elizabeth Duncan as a Cherokee Freedman, introduced on part of Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Counsel for Applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

MIAMI WALKER, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A Miami Walker.
Q What is your age, Mrs. Walker? A 76.
Q What is your post office? A Blue Mounds.
Q Kansas? A Kansas , Linn County, Kansas.
Q How long have you lived there? A We have only lived there two years, but we lived down there on the other place where we sold.
Q How far do you live from Mound City, Kansas? A Fite miles south of Mound City.
Q Now, how long did you live in the neighborhood of Mound City, Kansas? A Well, we came there in 1857 and lived there until two years ago and now we are in the neighborhood you might say.
Q Did you ever know a colored man by the name of Joe Duncan?
A Oh, well.
Q When did you first learn to know him? A Well, I can't fix no date just when he first moved up there.
Q Well, the best of your judgment with reference to the war?
A It was after the war, well it might have been '55 or '6, it was right after the war.
Q Do you mean '66 or '6? A Yes; when did the war end?
Q Did the war end in ' 55 or '6? A Yes, when did it end, '54.
Q I was asking you to state when the war ended? A '54.
Q Do you mean '54, or '50? A It was after the war.
Q It was after the war was it? A Yes, sir, about a year.
Q About a year after the war? A Yes, sir.
Q Where was Joe Duncan when you first knew him? A When I first knew him he was on his place;he bought some land you know joining us.
Q After the war? A After the war, that is the first I knew of him and moved on that place.
Q Well,now, how long did he live there joining you? A He must have lived there 25 or 30 years.
Q What was his wife's name? A The first wife's name was Millie and she died and burried there at Mound City, and the next wife's name was Lizzie Spence.
Q Where did he marry her? A At Mound city.
Q Did he have any children? A Quite a number of children by his first wife and last wife.
Q Did he have some children by his last wife? A Yes, sir
Q Do you remember any of their names? A Yes, sir, I remember all of their names, that was born there.
Q What were their names? A Clayton and Harry.
Q About when did they leave there? A About '88 or '9.
Q You say they owned a farm by you? A Yes, sir
Q Lived on it? A Yes, sir, lived on it all the time; well, they stayed there until they came south, I was right with them almost every day, they lived right by me.
Q About how far? A Well, joined corners withmus, right in sight anyway.
Q Did Joe Duncan come off down here? A Yes, sir; helped them get ready when the moved.

Q Now, do you know that he lived there on that place from the close of the war until '88 or '9? A Yes, sir, I saw him almost every day; he worked for us considerable.
Q Now, about how long after the war was it until you first knew him A Well, it might have been a year and might have been two, he came there after the war.
Q when did he dispose of the place with reference to his leaving there? A He had lost it with a mortgage, I can't tell you.
Q He lost it before he left there? A Yes, sir.
Q Some mortgage on it? A Yes, sir.
MR. MELLETTE: How old are you? A 76.
Q what year did you say the war closed? A Well, I forget it, I believe it was '55, '4 or '5.
Q Well, you know this year don't you? A Oh, yes.
Q ~~Nextxxxx~~ You say Joe Duncan bought a place up there? A Bought a place joining us.
Q How do you know he bought it? A Because I know he lived on it and he owned it to be mortgaged.
Q Now, it belonged to his wife didn't it, his first wife?
A she didn't own any property at all, his first wife.
Q Well, did it belong to one of his wives? A I think before he married the last wife-
Q Now, you say you saw him every day? A Nearly, when he was at home, he worked at our house a good deal.
Q Now, what was his business? A He was a plasterer by trade.
Q And he went from place to place? A He didn't go any further then Mound City; he used to be a blacksmith.
Q Now, isn't it a fact that he came down here in the Territory and worked a good deal A I don,t know of his doing it.
Q You don't mean to say fro 30 years you watched Joe Duncan?
A I didn't have to watch him, I could see him without watching.
Q How long do you think he worked for you in 30 years?
A Off and on at little day jobs.
Q will you swear that he was not absent from that place two years at a time for 30 years? A I am nearly certain he wasnot.
Q You want your testimony to go down in that way, do you?
A He was absent, he worked in Mound City, but he never went away.
Q Now, do you say that his wife wasn't abasent from that place two years at a time? A I know she was not; no, sir.
Q what was her first name? A Lizzie.
Q You say she was not absent from there? A She was not absent no more than to go to town and some place.
Q That is as much as she was ever absent? A As much as I ever knew of her being absent.
Q Don't you know that she was down in this country and lived on a place here, I didn't know of her living away, she came down here.
Q And she came down here? A she came when they left.
Q When did they leave? A '88 or '89.
Q Well, which do you think it was? A Well, it was 12 years ago, this winter.
Q what makes you remember it? A I remember the birth of one of my sons and she was with me and got ready to go within two or three days.
Q Have you seen her since that time? A No, sir.
Q would you know her if you were to see her? A I would if she has not changed very much, because I was very personally acquainted with her.
Q Do you know whether the woman who is an applicant here for enrollment is the one you knew up in Kansas? A I haven't seen her since, but I know that is her name.
Q You don't know anything about the woman who is applying for citizenship down here? A I would know her if I was to see her.
Q You don't know where Joe duncan wasin 1866, do you? A I don't know where he was, but he must have been, I don't know that he had come out of this place at that time, I know he bought the place joining us.

Q You don't know when he bought it? A He bought it a year or two after the war and came there, he was a young man when he came there; he was married, x he married a widow woman.
Q And that was after the war sometime? A Yes, sir.
Q How many years after the war? A I don't know.
Q Was it one or two, or more? A I don't know.
Q you didn't pay much attention and could not say? A I don't know.
Q Now, did you know about his marrying his first wife?
A No, sir.
Q Married before did he? A I knew her but I don't know.
Q Did you know her before he married her? A No, sir.
Q You don't know what he had before he married her? A She had two or three children.
Q She never had any property? A She never had any.
Q Why? A Shewas too poor.
Q Joe didn't have any money to buy the place with? A He went to work and bought it.
Q Did you ever see him pay anything for it? A No , sir.
Q Now, the deed is on record there if that is his place? A It ought to be.
Q Well, is it? A I don't know.
Q You don't know that that was Joe Duncan's place? A Yes, sir, I knew he bought the place.
Q How do you know he bought it? A How does anybody know anything?
Q How do you know he owned it? A He lived on it and owned it.
Q That was his first wife's place before he married her?
A No, sir, I know he went to work and ~~kmg~~ paid for it.

MR. HASTINGS: What is your husband's name? A James Walker.

JAMES WALKER, being duly sworn by Commissioner Needles, testified as follows, on part of the Cherokee Nation:

MR. HASTINGS: What is your name? A James ~~Walker~~.Walker.
Q What is your age, Mrs. Walker? A I am in my 75th year.
Q where do you live, A Up there in Linn County, in Blue Mound Township.
Q Kansas? A Yes, sir.
Q Did you ever live near Mound City, Kansas? A Yes, sir.
Q When did you move away from that neighborhood? A About three years ago.
Q Did you know a colored man up there by the name of Joe Cuncan.
A Yes, sir, I knew him well.
Q Dod you know whathis wife's name was? A Only first names, his first woman was called Millie.
Q What was his second wife? A Just Lizzie that is all I remember, about their names.
Q Did his first wife die? A She diedup there on that place.
A On what place? A The place they lived on at that time.
Q How far was that from your place? A Well, it cornered with my place.
Q Do you know whose place it was they lived on? A They called it Joe Duncan's.
Q How long did he live on that place by you? A From the time he acquired possession, when he bought it, or bid it off on the auction sale of School Land, the 36th section.
Q How long did he live on it after that? A 30 years or more.
Q Now, how far was that from your place? A It was; they cornered as I told you, and we would be perhaps near about 150 rods , houses maybe 200.
Q Well, you knew him during that time did you? A Yes, sir.
Q Did he have some children? A He had quite a number of children.
Q Did you know any of the names of any of them? A Pretty much, the boys, grown up ones, about the little ones I could not tell you.

Q Did you know whether his wife had any children before she married, whether he had any stepchildren by his first wife? A I don't know anything very much about the children, for I never asked them about them.
Q Do you know where he and his second wife were marri ed? A Well, yes, I remember about it perfectly well.
Q Were you present or just neighborhood news? A Just neighborhood news.
Q Well, now, about what year do you think they ~~first left~~ left there, Mr. Walker? A I almost know for certain it was about '89.
Q Now, I believe you state for more than 20 years he lived on this farm adjoining yours? A Yes, sir.
Q Did you see him frequently? A Yes, sir, two or three times a day for that matter and maybe not more than once a week, just as happened; he was often about my place, we borrowed and loaned tools and was there a good many times.
MR. MELLETTE: When did you get acquainted with Joe Duncan?
A Well, it was first when he moved there that year got really acquainted with him.
Q When did he move there? A It was when he bought that place, that was severanl years after the war.
Q You don't know where he wasin 1866, '67 and '8? right after the war? A ~~I would not be certain about that time.~~
Q All you know is that he came there sometime after the war?
A Yes.
Q And he bought that place? A He bought it off at the sale, auction of school land.
Q Did he buy it? A I understand he did.
Q You don't know anything about that of your own knowledge?
A I wasn't present at the same.
Q Well, you think that was four or five years after the war that he came there, don't you? A Yes, I do.
Q More than that? A I could not say.
Q Might have been more than that? A Might have been more.
Q You don't know where he was before that time?
A I heardof him being up on what we called Sugar creek.
Q Did you know of him? A I heard of him.
Q When did you hear of them? A He claimed acquaintance with me, that he worked on a building in Fort Scott before he moved there and I remembered him afterewards I thought; he was a good big chunk of a boy.
Q He was a plasterer by trade? A Stone mason.
Q Well, after he came there and moved near you, he was away a great deal? A Yes, a s he went away working.
Q Well, he was down in the Territory working? A I d9n't know of his being there, he might have gone, I never paid any attention.
Q You generally watched him very close? A No.

DOUGLAS WALKER, being duly sworn by Commissioner Needles, testified as follows:
MR. HASTINGS: What is your name? A Douglas Walker.
Q What is your age? A 50 years old.
Q This your father who has just left the stand? A Yes, sir.
Q You have been living around Mound City, Kansas? A Since '57, Ma
Q Did you know a colored man up in that country by the name of Joe Duncan? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did he have more than one? A Yes, sir.
Q Did you know his wife fiart? A Yes.
Q What was her name? A Millie.
Q What was his second wife's name? A Elizabeth.
Q Did you know her name before he married her?
A No, I don,t know as I did.
Q Did he have any children? A Yes.
Q Do you remember any of his children's names? A Yes.
Q Well, what were their names? A [illegible] you mean, the first.

Q By any of them? A There was Lawson Duncan, Joe Duncan, Joe died there; George Duncan, Ann Duncan, Elizabeth Duncan, they was the first ~~a~~ family.
Q Well, by his second wife? A Yes, I know ther names, two or three of them.
Q Well, just identify them M? A One was called Joel, clear forgotten the others names yet I know them.
Q How far did Joe Duncan live from you? A We joined farms, there was a road between them.
Q About how far were your houses apart? A Two hundred yards probably.
Q Now, how long did ~~ya~~ he live there near your family or your father's family? A To the best of my recollection he moved there in '67 or '8, he moved away in '89, December.
Q That is your best judgment? A Yes, sir, I didn't keep any dates
Q You know he lived there a number of years? A Yes, a number of years.
Q Did you see him frequently? A Oh, yes, worked for ~~him~~.
Q Did he own a farm there? A Yes, sir
Q Lived on it? A Yes, sir.
Q Where did his first wife die? A She died there.
Q Any of the children by his second wife born there? A Two or three.
Q Do you know where they went to when they left there? A Said they were coming to the Cherokee Nation.
Q Had you ever seen Joe Duncan before he moved on this farm and lived near you? A Yes, I had ~~say~~ him but wasn't acquainted with him.
Q Well, now, during those years that you state that he lived near you did you miss him for any considerable time? A I don't remember that I did; well, he was a stone mason, he worked some at the Carpenter trade.
Q Did you miss his family? A No, sir.
Q Did you know whether his family attended those school up there?
A Yes, sir, I was clerk of the district part of the time.
Q Do you know whether Joe Duncan voted? A Yes, sir; he voted at the school meetings and voted at the elections.
MR. MELLETTE: You don't know where Joe Duncan was in 1866 and '7? and '8 do you? A Yes, part of that time I do.
Q Where? A I don't remember positive whether it was '67 or '68 when he bought this tract of school land joining me, but it was close there, one or the other of those years.
Q There is a record of it? A I suppose there is. The land was sold at auction.
Q You know it was one of those years? A Yes, it might have been as late as '68, I haven't kept any dates.
Q May not it have been as late as '69? A I think not.
Q Why not? A Well, from certain things that transpired; there was a section of land other parties bought there.
Q You don't know whether he was in the Nation in '66 or not, do you?
A No, I do not.

J. J. HAWKINS, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:
MR. HASTINGS: What is your name? A J. J. Hawkins.
Q What is your post office? A Mound City, Kansas.
Q How old are you? A 63.
Q How long have you lived in and about Mound City Kansas?
A 33 years.
Q Did you know a colored man up in that country by the name of Joe Duncan? A I did.
Q Where did he live? A He lived about seven miles west of Mound City.
Q Lived on a farm? A Yes, sir.

Q How far from you? A Well, about two or three years.
Q How long did you know him to live there? A Well, I lived in that neighborhood about seven years and my impression is that Duncan was there all the time I lived there.
Q Did you move away from there? A I moved away.
Q Now, when did you move away? A I movedaway in the fall of '75.
Q And he had been there now about how long before that?
A Ye had been there since '68; I went there in 1868.
Q You think he was there when you went there? A Yes, sir'
Q And you left him there? A Yes, that is my recollection.
Q How far from xxx did you move from there? A Moved seven mils.
Q Did you know anything about him after that? A Yes, sir.
Q well, now, how long did you know anything about him?
A Well, I think I knew Joe somewhere up to '85 or '90; I could not be particular but it was between '80 and '90.
Q How far was he living from Mr. walker that just left the stand when you first knew him up there? A When I first knew him he didn't live near Mr. Walker at all.
Q Well, did he afterwards move near him? A Yes, sir'
Q Mr. Walker has been a witness here? A Yes, sir
Q I believe you had no personal acquaintance with his family?
A No, sir.
MR. MELLETTE: Well, when did Joe Duncan come and move on that place close to Mr. Walker's? A I could not tell you when he went.
Q well, about what year? A I could not give you the year.
Q Did he go to living on that place while you were there?
A I could not tell you that.
Q You don't know where he lived? A When?
Q when you lived there? A Yes.
Q You said you lived in there about seven years until 1875?
A Yes, sir.
Q About how close did you live to him? A About two or three miles.
Q Did he live on the place close to Walker's at that time?
A No, sir, did not.
Q Didn't live anywheres close to walker at that time?
A He lived somewhere in the neighborhood, about six or seven miles. Lived six or seven, eight miles of these Walkers that testified here? A You don't understand me, he lived in the same district I did: I moved in the district that Joe Duncan lived in, I moved away from there in '75; I don't know when Joe Duncan moved away from where I first got acquainted with him.
Q I understand you; he didn't live in the neighborhood of the Walkers when you moved in that district? A No, sir; he may have moved before I movedaway and may not.
Q Well, during the time he lived in there he didn't live near the Walkers, that is he didn't live adjoining farm to them?
A No, sir, not up until '85, my recollection is he didn't live near the walkers.
Q He must have lived six or seven miles from them? A Yes, sir.

ROBERT FLEMING, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:
MR. HASTINGS: What is yourname? A Robert Fleming.
Q Where do you live, Mr. Fleming? A I live at Mound City, Kansas.
Q How long have you lived there? A 12 years.
Q How old are ya? A 50 years old.
Q What is your business? A I am what you call livestock dealer.
Q Mr. Fleming, did you know a colored man upin that country by the name of Joe Duncan? A I do.
Q Did you know his family? A I don't know much about his family; I knew them when I met them in the road I didn't know their names.

Q You don't know their names? A Not all of them.
Q Did you know his wife's name? A Yes, sir.
Q What was her name? A Her name was Lizzie; she was widow woman, Spence I believe she lived at our house when they married.
Q Now, when did you first learn to know Joe Dunan?
A Oh, I have known him a good many years, I first remember him sometime after the war, I guess it was, he lived hear us on what is called Montogomery farm.
Q About how long have you known him? A I guess 30 years.
Q I mean about how long after the war when you first leanred to know hi m? A It was right immediately after the war, I think; I would not fix the date.
MR. MELLETTE: How? A It was immedaitely after the war.
MR. HASTINGS: Was he married when you first knew him?
A I could not say that.
Q D you remember his first wife's name? A No, sir.
Q Well, a few years after you knew him what was he doing?
A He lived on Col. Montgomery's farm.
Q Where did he go from that Montgomery farm? A He moved from there over to Elk Creek about five miles; well, he was in town a while.
Q Mound City. A Yes, sir, but I could not tell when I remember seeing him in town.
Q Well, now, about what time did you know him; when did he leave there? A He left there in about '90 or '91; '90 I think.
Q How, how do you fix that date? A Well I remember Joe Duncan built a flue for me; built a wall for the house, I built the wall and he fbuilt the flue for the house in '90.
Q Do you know where his family was at that time? A I think they had moved away, I could not tell just when, but I think they moved away a while before he built this flue because I think he talked to me about it.
Q Do you know where his family went to? A I think they came down in this country comwhere.
Q Well, now, during all these yearsyou knew him did you see him frequently? A Well, from about '75 I saw him very frequently, somewhere about '75.
Q Did you live in town? A Yes, sir; the way I remember it I was dealing in stokok and I had some dealings with him all along same as other farmers, buying and shipping.
Q Do you know whether he owned a farm or not? A Yes, sir, I think he owned a farm; he lived on there on Elk Creek, he claimed to own it.
MR. MELLETTE: When did he go to living on that farm he claimed to own? A I could not tell exactly.
Q Well, about what time? A I should think it was, well it would be just guess work.
Q I know that, but then give us a guess? A Well I know his family lived there in '75.
Q You say it has been about 3 0 years since you knew Joe Duncan?
A Yes, sir.
Q That would be about '70 you got acquainted with him?
A Yes, sir, somewhere along there.
Q You don't know where he was in 1866 and '67, years of that kind?
A Well, I would not swear positively but he was around there I saw him, seen him a great deal he lived in our neighborhood, the same creek we lived on.
Q When was he there you say he was there in 1866? A I would not swear he was.
Q How old areyou? A I am 50, I know he was there, he might have been here somewhere, but he was there in 1866, he was there all along every year, but he might have been here on business, I could no t tell as to that.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN

O. P. WATSON, being duly sworn by Commissioner Needles, testified as follows: On behalf of the Cherokee Nation:

MR. HASTINGS: What is your name? A O. P. Watson.
Q What is your age? A 69.
Q How long have you lived in and about Mound City, Kansas; you live there don't you? A Yes, sir
Q How long have you lived in and about Mound City, Kansas? A 51 years.
Q Did you know a colored man by the name of Joe Duncan? A Yes, sir.
Q Did you know his wife? A I knew his last wife, I didn't much about his first wife.
Q Do you know where his first wife died? A Mound City.
Q Do you know where he was married to his second wife?
A Mound City.
Q What was her name? A I think her name was Lizzie, or Elizabeth
Q Do you know whether she had ever been married before or not?
A No, sir, I don't.
Q Well, about when did you first lean to know Joe Duncan?
A Soon after the close of the war.
Q About how long did you know him, and about when di d he leave there? A He left there in '89.
Q Well, you saw him after the war up until 1889, did you see him frequently; do you know of his family? A Yes, sir.
Q Were they living near there? A Yes, sir.
Q What is your occupation? A I am not doing anything now, I used to be in the Mercantile business.

MR. MELLETTE: Well, how soon after the war did you get acquainted with Joe Duncan? A I could not say, soon after the war; he was what we call an old timer there.
Q You can't give the year? A Yes, sir.
Q You don't claim to have known him in 1866 or 1867?
A I presume I did, but I am not positive.

Com'r Needles: This testimony will be ~~fil~~ made part of the record in Freedman doubtful cases #892 and 893.

---oooOOOoooo---

J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographi c notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 10th, 1901.

Commissioner.

Freed. D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Elizabeth Duncan, D 871;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commissioner:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Hill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case they consent for the applicant or all of the record in the decree mentioned referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of Attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 671,
D 692 and D 693.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ELIZABETH DUNCAN, ET AL., ELIZABETH TIMMON, ET AL., and EMMA WILLIAMS, ET AL., as Cherokee freedmen.

It appears that on July 20, 1904, the principal applicants, their attorneys, and the attorneys for the Cherokee nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on August 15, 1904, and then and there introduce further testimony touching the points mentioned in said same letter.

APPEARANCES:
Applicants represented by J. J. Bulger, attorney.
Cherokee Nation by its attorney, W. W. Hastings, and Jas. S. Davenport.

N. F. CAMPBELL, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A N. F. Campbell.
Q How old are you? A 40.
Q What is your postoffice address? A Fryer Creek, Indian Territory.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q Do you know the applicants in this case, Elizabeth Duncan, Elizabeth Timmon and Emma Williams? A No, sir, I am not acquainted with only Joe Duncan, who formerly resided in or at Mound City, Kansas, where I lived.

By Mr. Davenport:
Q When did you first know Joe Duncan, Mr. Campbell? A I will explain that by saying that I moved to Lyon County, Kansas, in 1886, with my parents and they bought a farm and we resided there all the time I was at home; that farm was 2 1/2 miles from a farm that Joe Duncan, a colored gentleman, owned and upon which he and his family resided, and I can't give the date nor year I first knew him, but I knew him as long as I can remember.
Q Did he have a family? A Yes, sir, and lived on a 40 acre farm there.
Q Do you know the name of any of his family? A Only by reputation. He had two wives; his first wife was named Millie and that wife died, I don't remember when, but it is a recollection that she died and he married another woman by the name of Lizzie or Elizabeth, I think she was a colored woman that lived in Mound City.
Q You don't know her maiden name? A She was a Spence at that time. I don't know whether that was a maiden name or widowed name; she had a son by that name.
Q How long did Joe Duncan live on this farm after you got acquainted with him? A It was between '85 and '90 when he went away.
Q How far from Mound City, Kansas? A About six miles south.
Q Do you know where he went after he left Mound City? A I only know by the common report in the country around there, which was to the effect that he came to the Nation.
Q Did you ever see him after he moved away? A No, sir.

Q Do you know whether or not he went at the same time his family did? A I couldn't tell.
Q You knew him on the farm there from along in the 60's until 1880? A Yes, sir.
Q Do you know what occupation he followed? A He farmed his farm, and was a stone mason and bricklayer; I knew him in 1883 in Mound City; he worked on some place there; I was clerking in a store there, and he was a mason on one of the buildings then that was being erected.
Q Do you know whether or not he exercised the rights of a citizen of the State of Kansas? A I don't remember; I don't think I ever saw him vote, but he was counted among us, fellows as a voter, and we polled him as a republican, but I don't remember seeing him vote.
Q You always considered him as one of them? A Yes, sir, I wouldn't swear that he voted, at the same time I know he did.

By Mr. Bulger:
Q When was it you first got acquainted with this man Duncan? A As I said before I couldn't undertake to state the year: I knowed him as long back as I can remember.
Q Do you know where he was in the fall of 1866 and spring of 1867? A No, sir, I couldn't say.
Q Do you know that he voted up there? A I didn't see him.
Q Do you know that he ever became a citizen of the State of Kansas, or the United States? A Only by reputation.
Q Do you know where he was born? A No, sir.
Q About when did you say he returned to the Cherokee Nation? A He left the country between 1888 and 1889, I wouldn't undertake to state the year he left; after 1883 that he worked on the buildings.
Q You don't know whether he was in that country in the fall of 1866 or the spring of 1867? A No, sir, I couldn't say.

DOUGLAS WALKER, being first duly sworn, testified as follows:

By the commission:
Q What is your name? A Douglas Walker.
Q How old are you? A 54.
Q What is your postoffice address? A Mound City, Lynn County, Kansas.
Q You are a citizen of the United States, are you? A Yes, sir.
Q Do you know the applicants in this case, Elizabeth Duncan, Elizabeth Thomas and Sam Williams, Cherokee freedmen? A I knew Elizabeth Duncan.

By Mr. Davenport:
Q How long have you known Elizabeth Duncan, Mr. Walker? A I think it was about 1867 that she married Joe Duncan, 1866 or '67.
Q Remember in the 60's? A Yes, sir.
Q Where were they living at that time? A Near Mound City, Lynn County, Kansas.
Q Where were you living? A Right adjoining farms with Duncan.
Q How long had you been acquainted with Duncan prior to his marriage with Elizabeth, if at all? A I think I was acquainted with Joe Duncan in 1857 or '58; I was positive about that, it was after the war of the rebellion.
Q Were you living at Mound City at the time you got acquainted with him? A Yes, sir, near Mound City.
Q Was he a married man when you first got acquainted with him? A Yes, sir.
Q Do you know what his wife's name was at that time? A Yes, sir, her name was Millie.

Q Did she afterwards die before he and Elizabeth were married?
A Yes, sir, she died there.
Q What did Joe Duncan follow? A He worked at the stone mason work and carpenter work, and also farmed some.
Q How long did you live on adjoining farm to Joe Duncan, Mr. Walker? A I lived there yet, and he lived there until I think it was in 1889 that he moved away.
Q Did he own a farm there by you? A Yes, sir.
Q What amount of land, if you know? A He first bought 40 acres and later on he bought another forty, so he owned an eighty, school land that was sold there.
Q Did he exercise the right of citizenship there by voting? A Yes, sir, while he was there.
Q You got acquainted with him and knew of his living there as early as 1867 or '8 and continued to live there until the latter part of the 80's? A Yes, sir, he worked at his trade around.
Q Where was his family? A They lived there.
Q How far was that residence from your residence while they lived on the farm? A About two hundred yards.
Q If the family had moved away during that time would you have known it? A Yes, sir.
Q Did you ever see Joe Duncan after he moved away from the farm there? A Never did.
Q Do you know anything about when they who moved them to the train? A I took the family to the train.
Q How far was it from town? A Eight miles from the station to where they lived.
Q You say you hauled the family to town, or used your team? A I used my team and hauled the family to town.
Q Did Joe Duncan come away at the same time the family did? A I didn't take him; I took the family; I don't know whether he went or not.
Q Did they have any children at that time? A Yes, sir.
Q Do you remember the names of any of them? A I remember one, Joel; there were two or three, I declare I have forgotten.

By Mr. Bulger:
Q Do you know where this man Duncan was in 1866 and '77 A I don't know as I do, where he was in 1866, and I aint sure about 1867; I don't know whether it was 1867 or 1868 that he bought this land.
Q You never knew him until he bought this land? A I heard of him in Round City; he blacksmithed there, but I don't know, I didn't get acquainted with him.
Q Do you know whether or not he was in the Cherokee country in 1866 and '77 A I don't know but what he might have been.
Q You say he exercised the rights of citizenship, do you know whether or not he was a citizen of the United States at that time? A Yes, sir, he voted at our school meetings, was clerk of the district part of the time and voted at our elections at Round City.
Q That is evidence of citizenship, but that don't establish citizenship. Do you know whether he ever became a citizen of the United States? A He claimed to have been born in the Cherokee Nation and he exercised the rights of citizenship with us.
Q You say he left that country in 1889, do you know where he went at that time? A He told me that he was going to move to the Cherokee nation, south of Gainesville.

Commission: Continued by agreement until September 21, 1904.

W. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

W M Vance

Subscribed and sworn to before me this 16th day of December, 1904.

Charles D Gaverson
Notary Public.

Cherokee Freedman D-871.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 21, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Elizabeth Duncan et al., as Cherokee freedmen.

APPEARANCES:
Applicant, Elizabeth Duncan appears in person and by attorneys, Blue & Bulger.
Cherokee Nation by its representative, J. S. Davenport.

ELIZABETH DUNCAN, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A Elizabeth Duncan.
Q How old are you? A 50 years old.
Q What is your post office address? A Coffeyville, Kansas.
Q Are you married? A I am a widow.
Q What was your former husband's name? A Joseph Duncan was my last husband's name.
Q When did you get acquainted with Joseph Duncan? A I couldn't give you the date.
Q About when? A We were married in about 1868 and I was acquainted with him about 3 or 6 months before we were married.
Q Had Joe Duncan been married prior to his marriage to you? A Yes sir.
Q What was his former wife's name? A Millie Carr.
Q Did you know Millie Duncan? A No sir.
Q Where do you live? A I live about 15 miles south and west of Coffeyville in the Territory.
Q In the Cherokee Nation? A Yes sir about 5 miles northwest of Vinita.
Q Have you one children? A Yes sir.
Q What are their names? A Roberty Clayton and Harry, Augustus, he is dead, Jewell Syrus, and Bert Benjamin Franklin.
Q Are these children living? A Harry is dead, I don't know whether Claytie is living or not, he was nearly dead when I left him, he has been sick a year and threemonths.
Q Who is the father of these children? A Joseph Duncan.
Q You don't know anything about who Joseph Duncan belonged to prior to the rebellion? A I don't know.
Q Were you a slave at the beginning of the war? A Yes sir a short time, I was freed young.
Q Who were you owned by when the war broke out? A I was owned by an American citizen.
Q You don't claim to be a Cherokee citizen yourself? A No sir.
Q Have you any other children living with you? A No sir, I have a little grand-daughter, Elizabeth Timson's little girl.
Q Is Elizabeth Timson living? A Yes sir.
Q Has she made application for this child? A Yes sir.
Q Have you got any of Millie Duncan's children living with you?
A No sir, I have her grand child by blood, 7 years old.
Q What little name? A Mary Timson.
Q Have these children always lived in the Cherokee Nation, those you named? A Yes sir.
Q Never lived in Kansas? A They have lived there some, I lived in Coffeyville until we got my family lived there some.
Q Where did you marry Joe Duncan? A Honey Shiny.

Q Kansas? A Yes sir.
Q In 1882? A About there somewhere.
Q When did you go to the Cherokee Nation? A We done down the last time about 13 or 16 years ago.
Q Your home was in Kansas continuously after you married until you come down here? A I was back and forth some, he owned a home there.
Q You mean Joe Duncan owned a home in the Cherokee Nation? A Yes sir.
Q Which is the eldest of these children? A Claytie.
Q How old is he? A 21.
Q When was he 21? A 23rd of May past.
Q He was born in the State of Kansas? A I said known they were born here.
Q All born here? A Jewell was born in Kansas.
Q How old is Jewell? A 17.
Q Rest were born in the Cherokee Nation? A Yes sir.

BY MR. BULGER:
Q You say that you and the children have lived in the Cherokee nation for how long? A For the last 13 or 16 years.
Q These children are children of Joe Duncan are they? A Yes sir.

BY MR. DAVENPORT:
Q They were all born while you and Joe Duncan were living together as man and wife? A Yes sir.
Q Where were you living when you met Joe Duncan? A Pleasanter, Kansas.
Q Where was Joe living when he and you were married? A on his place I guess.
Q Where was that place? A Place was in Kansas.
Q What part of Kansas? A Linn County.
Q Did you have any post office? A Mound City.
Q How many of the children were born in Kansas? A Jewell.
Q How old is he? A 17.
Q The rest of them were born after you moved to the Cherokee Nation?
A No sir not after we moved one is 21, we were backwards and forwards.
Q You were not backwards and forwards before you were married?
A No sir.
Q Did you come to the Cherokee nation after you were married, before Jewell was born? A Yes sir.
Q How long did you stay? A I don't know.
Q Did you keep house any in the Cherokee Nation between the times you and Joe were married and the time Jewell was born? A Yes sir
Q What had you done with your Mound City home during the time you were living in the Cherokee Nation at that time? A Didn't do anything with it.
Q Didn't you leave your household goods up there? A Some of them.
Q Did you move any of them to the Cherokee Nation? A We had to have bed clothes.
Q What did you and Joe do in the Cherokee nation the time you claim you were down there living between the date of your marriage and the birth of Jewell? A Didn't do anything but keep house, work there in the Mission and them places.
Q How many of the children were born in Kansas before you came back the second time? A I told you they were all born here except Jewell.

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Q How long did you live in Kansas this time you went back before you came back? A I can't recollect.
Q What year did you break up your home in Mound City, Kansas?
A I said I thought it was 15 or 16 years ago.
Q You had never lived in the Cherokee Nation prior to your marriage to Joe Duncan? A I don't own anything here, I had been here, I wasn't a citizen, I guess I own a wife's interest.
Q After you married him? A Yes sir.
Q Where was Millie living when you and Joe Duncan was married?
A I don't know.
Q You didn't know her? A No sir.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 28 day of January, 1906.

Charles I Sampson
Notary Public.

Cherokee Freedman D-871

Department of the Interior?
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Elizabeth Duncan, et al., as Cherokee Freedmen.

It appears that on October 14, 1904, the applicant, her attorney and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 18th day of November, 1904, and introduce testimony touching the points mentioned in said letter, at which time said case would be taken up for final consideration.

On said above mentioned date this case was continued by consent and on November 21, 1904, the following proceedings were had.

APPEARANCES:

Applicant appears by attorneys, Blue & Bulger;
Cherokee Nation by W. W. Hastings.

ALEX NEVINS being duly sworn, testified as follows;

BY J. J. BULGER:

Q What is your name? A Alex Nevins
Q Where do you live? A Fort Gibson
Q Did you know a man by the name of Joe Duncan at the commencement of the Rebellion? A Yes,sir
Q Where did you know him? A He used to live up on the Verdigris, just below Gibson Station.
Q Was he the slave of a Cherokee citizen at the commencement of the war? A Yes sir. His master was a white man but his wife was a Cherokee.
Q When was the last time that you saw Joe Duncan? A Well, it was directly after peace was made; along in '66. The reason I say '66; our wagon boss come through Gibson one day and I asked him where he was going, and he said, "I am going down below here to buy me up some cattle, and he says to me one day, Do you know what year this is?" and I tell him, "Well, Mr. Marshall, not exactly," and I ask him what year were that, and he tell me I ought to know, and I say "All right enough, but I don't," and so I keep on after him, and he say, it is the year of '66, and well, after he tell me that he went off, and sometime after Christmas, this here young man, Joe Duncan, I saw him.
Q That was after Christmas in '66? A Yes sir, along after Christmas, '66.
Q Where was it you saw Duncan after Christmas? A He was at Fort Gibson. I met this young man and I asked him, "Joe, where are you from?" and he told me from Kansas, and I says,

and I says, where are you going now, and he says, 'I have just come down for a while," and I says, "Aint you a going to move back?" and he said yes he was ageing to move back here, not down here to Gibson, was going to, live up in Ceowesscoewee.

BY W.W. HASTINGS:

Q How long after Christmas was this? A I don't know exactly how long.
Q About spring of the year? A Along about spring, when I saw him I reckon.
Q Some three or four months after Christmas? A Well, I don't know whether three or four months, but after Christmas
Q What year is this? A This is 1904.
Q What year was the Kern-Clifton roll made? A Well, I couldn't tell you till I had my papers here; My recellection is tolerable short.
Q You won't be certain about these years, will you?
A No sir, not certain, to tell you the truth.
Q Been too long ago, has it? A Yes, been too long ago.
Q And take a man back 38 years he can't be certain ?
A Some men can.
Q But you can't? A Well, now, I can't.
Q And you don't propose to swear here now about any certain year?
A No, I can't.
Q When this fellow came back he didn't have his wife with him did he? A No sir, didn't have no wife.
Q Didn't have any children? A No sir, didn't have any children when I saw him.
Q You could not tell you long after the war? A No, sir, only just by what the wagon boss told me.
Q And this was some time after that you saw Joe Duncan?
A After that.
Q After you saw this wagon boss and he told you the year?
A Yes,sir.
Q And you say it was along about Spring? A Well, I wouldn't say it was Spring, but it was after Christmas.
Q How long did you see Joe Duncan there? A Just saw him that one day.
Q You never saw him before and you never saw him since?
A No, sir.
Q And he lit out straight for Kansas? A I couldn't tell you where he went to; I went my way and I don't know where he went to.
Q Where did you live before the war? A At John Evan's, at the mouth of Grand River
Q How old was Joe Duncan when the war came up? A I couldn't tell you.
Q Four or five years old? A To tell you the truth I don't know
Q You can not swear to that? A No, I wouldn't undertake it.
Q He might have been four or five years old, younger or older?
A Yes,sir.
Q That's your best judgment is it?
A Yes sir, my best judgment.
Q You don't know who his mistress was? A No sir, they tell me she was a Cherokee.

Q You never were at his place before the war? A Oh yes, I have been there before the war.
Q But you never saw him there before the war? A Oh yes,sir, that's where I seen him before the war.
Q If you knew him before the war why can't you say whether he was older or younger than four years old, or five, before the war? A Why I couldn't tell nothing about his age; I couldn't tell my own age then.
Q But you could tell whether he was much older or much younger than that? A I could have if I had paid any attention to it, but them times we was slaves and didn't pay no attention. I didn't know my own age then, then times.
Q Then you say you don't know whether he was older than four or five years? A No sir.
Q Was he by himself when he came from Kansas? A Yes,sir
Q He was walking? A Yes,sir, but he had a team there somewhares.
Q Did you see the team? A No sir, that was what he said.
Q He was only eight or ten years of age at that time? A I don't know sir.
Q Well, don't you know about what his age was? A No, sir, I am going to tell you the truth, I didn't know his age; I did not know my own at that time, or until just a few years ago.
Q Don't you know about this fellow enough to know whether he was more than eight or ten years of age when he told you he had come all the way from Kansas? A Why, I don't know, he may have been more than eight or ten years of age, but to say his age I don't know that.
Q You don't know whether he was older or younger?
A No, sir, I don't know that; I don't know his age, I couldn't tell you that for certain.
Q You testified in a case for Jack Brady or Jack Thompson, once didn't you? A Yes,sir.
Q You are that same man? A Yes,sir.
Q You testified in that case that you were living out there on the bayou, near Jack's father, didn't you?
A Yes sir, I was living out near there, I remember that time.
Q And you said that this Jack Brady or Jack Thompson, came all the way from Texas on horseback to visit his father in 1866 , didn't you? A No sir, I didnot tell you that.
Q You deny then, saying you saw him in 1866? A Yes sir, I deny that.
Q You are, however, the same man who on May 31, 1902, in this same room, testified in that case? A
A Yes sir, I was here and testified.
Q You deny that you testified in that case that you saw Jack Brady in the year 1866? A Well, if I had been able to put every testimony down that I testified I would be able to answer that, but I couldn't put anything down and I don't think you ought to ask me that.
Q Did you see Jack Brady in 1866? A I am not able to say at this time. I can't tell you right now. I can not testify the same as I could then.
Q Then you don't know the year 1866? A Not unless I put it down on a book or somewhere.
Q You didn't put it down in the Joe Duncan case, did you?
A No sir, but I remember that by our wagon boss.

Q Well, why don't you remember this Brady by the wagon boss?
A But he didn't tell me anything about that Brady.
Q Well, he didn't tell you anything about Duncan either, did he?
A No sir, but he told me the year, that is what I said, he told me the year.
Q I will ask you if you did not, on May 31, 1902, in this room, under oath, in the Jack Brady case, C.F.D. 136, make this answer: "Well he came to his father's out on Four Mile Branch in 1866, at his father's on Four Mile Branch" Did you make that answer? A Well, I may have told him that, but Ill never tell you, it has been so long since I ever spoke of that I just can't remember , to tell you the truth, I am here to tell the truth.
Q I will ask you if, in the same case, you did not say that this man Jack Brady came horseback from Texas? A Yes, he came there horseback when I seen him there that time.
Q Don't you know that Jack Brady was not born until 1864 according to his own testimony, and that he was, therefore, two years old, or less in 1866? A No sir, I don't know that.
Q Well you don't know much about 1866 do you? A I know it.
Q And you are now unwilling to swear about what happened that you can't remember, aren't you? A I am willing to swear about what I know, and what I don't know I don't swear.

BY MR. HASTINGS: For the purpose of impeaching this witness the Cherokee Nation asks that the testimony of Alex Nevins in Cherokee Freedman D-136, as well as the testimony of John F. Wilson and D. H. Flourney in the same case on the part of the Cherokee Nation, be introduced and made a part of the record in this case. And the Cherokee Nation also asks that the age of Jack Brady which is given as thirty-eight in 1901, be called attention to, so as to show the age of the said Jack Brady in 1866.

BY MR. BULKER:
Q At the time you saw Joe Duncan at Fort Gibson in 1866, what were you doing? A I was not doing anything particular. I was working around town there. I think I was living down in the bottom then.
Q Was Joe Duncan employed at anything at that time? A No sir. I don't think he was.
Q You just happened to meet him? A Yes sir, just happened to meet him.
Q You had been acquainted with him before the war? A Oh yes .
Q Was Joe Duncan at that time apparently a man, of age?
A Before the war?
Q No, when you saw him in 1866? A Well, he may have been, he looked like he was a man, I couldn't tell you sir.
Q You know whether or not a fellow is a man? A Well, I guess he was grown, he had a mustache.
Q Did Joe Duncan leave Fort Gibson soon after you saw him?
A He told me he was going away, I don't know whether he went or not.
Q Did you and Joe Duncan work together after, or during the war?
A No sir.
Q Were you in the army during the war?
A Yes sir, I was a teamster.
Q Were you teaming when you saw Joe Duncan in 1866? A No sir.

BY W. W. HASTINGS:

Q Did you ever see him after that? A I never did see him.
Q Why you have just answered Mr. Bulger that you knew him before the war, did you know him before the war? A I knew him before the war.
Q How old was he before the war ? A I don't know sir.
BY COMMISSION:
Q You have some idea, come now, tell us? A I couldn't tell you sir.

BY MR. HASTINGS:
Q Was he a baby in his mother's arms, or five or six years old or how old was he? A Well, when I saw him at his master's he was a good sized boy and me and him played together; he would have been five or six years old, or might have been ten years old, I didn't know his age, I didn't know my own age.
Q Well, you can tell about his age, whether he was five or six years old or not? A Well, he might have been five or six years old.
Q And the next time you saw him he was a grown man with a mustache?
A Yes sir.
Q And that was the first time you saw him after the war, when he was a grown man with a mustache? A No sir, I seen him all during the war.
Q Didn't you tell Mr. Bulger you didn't see him during the war?
A No sir, I said we didn't work together.
Q Did you see him during the war? A Yes, sir
Q Where at? A At Fort Scott
Q Was he living there? A He was working there for the Government
Q Working there for the Government? A He was shoeing mules for the Government.
Q You never saw him in the Cherokee Nation after you claim to have met him there in the street? A No sir, I never seen him after that. This is three times I have told you that now.

--:0:--

Lucy M. Bowman being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings in this case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Lucy M. Bowman.

Subscribed and sworn to before me this 8th day of December, 1904.
(Signed) Charles M. Sawyer,
Notary Public

Lucy M. Bowman, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that same is a true and correct copy of her original transcript of said case.

Lucy M. Bowman

Subscribed and sworn to before me this 16th day of December, 1904.

Charles M. Sawyer
Notary Public.

In the Matter of the Application
for Enrollment of Elizabeth Duncan et al. Can No. 871.

Witness, Douglas Walker, Mound City, Kansas.

Statement:- I am fifty years old; that I have resided in Linn county, Kansas, since May, 1857. That I was personally acquainted with one Joe Duncan, colored, and his two wives, Millie and Elizabeth and their children Lawson, George, and Lima, who were the children of Millie. Joe and some younger children were the children of Elizabeth. I first became acquainted with Joe Duncan in the spring of 1866 or 1867. He owned and lived upon the adjoining farm to me for about twenty-five years.

That said Duncan left Linn county in the fall of ~~EX~~ 1889, in October or November. I moved his family to Prescott to take the train for the Cherokee Nation.

ATTORNEYS:
W. W. HASTINGS.....Tahlequah, I. T.
J. L. BAUGH.....Choutéau, I. T.

STENOGRAPHER:
J. C. STARR.....Vinita, I. T.

MARSHALS:
JOHN PARKS.....Vinita, I. T.
W. B. WYLY.....Tahlequah, I. T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.....

Vinita, Ind. Ter., _____

Duncan Elz. No. 871.

Witness -: John J. Hawkins, Mcl Cly, Ks.

Knew Joe Duncan, husband of Elz. Duncan, since 1868 and for many years after + knew where said Duncan lived and knew the farm he owned +
Lived in same school Dist. Linn Co. Ks, Duncan took part in school meetings and sent children to school in said Dist +

ATTORNEYS:
W. W. HASTINGS..... .....Tahlequah, I. T.
J. L. BAUGH.. ....Chouteau, I. T.

STENOGRAPHER:
J. C. STARR.. ....Vinita, I. T.

MARSHALS:
JOHN PARKS ... . Vinita, I. T.
W. B. WYLY .... Tahlequah, I. T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.....

Vinita, Ind. Ter., _____

Duncan Elz. No. 871

Witness. — A. P. Walton, Mc Alester, I.T.

Knew for Duncan, husband of Elz. Duncan for years

ATTORNEYS:
W. W HASTINGS.....Tahlequah, I. T.
J. L BAUGH.....Chouteau, I T.
STENOGRAPHER:
J C STARR.....Vinita, I. T.
MARSHALS:
JOHN PARKS.....Vinita, I T.
W. B WYLY.....Tahlequah, I T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.....

Vinita, Ind. Ter.,

Duncan Elizabeth No. 871

James Walker, Mid City, Kans

Knew for Duncan and his family for years in Linn Co. Ks. Knew Farm Duncan owned + knew wife Elizabeth etc.

ATTORNEYS:
W. W. HASTINGS.....Tahlequah, I. T.
J. L. BAUGH.....Chouteau, I. T.

STENOGRAPHER:
J. C. STARR.....Vinita, I. T.

MARSHALS:
JOHN PARKS.....Vinita, I. T.
W. B. WYLY.....Tahlequah, I. T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.....

Vinita, Ind. Ter., _____

Duncan Elizabeth No. 871

Witness:- New Campbell: Mcl. Elizabeth.

Knew for Duncan for fifteen years in Linn Co. Ks.

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-871.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 20, 1904.

Hastings, Davenport & Bell,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Lizzie Duncan for the enrollment of herself and children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the return of Joseph Duncan, husband of the applicant, to the Cherokee Nation after the war, and his residence since that time; testimony as to the return of Millie Duncan, Joseph Duncan's former wife, and as to the date of her death; also testimony as to the residence of the principal applicant and her children.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, August 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

COPY

LAND:
36902-1906.
96446-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of April 21, 1906, (I.T.D. 5426-1905), affirming the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of John Wilson, et al., as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 22, 1906, enclosing a motion for reconsideration, filed by Elizabeth Ross (Nee Duncan), on behalf of Robert C., Harry A., Jewell C., and Mark Benjamin Franklin Duncan. These were party applicants in the consolidated case of John Wilson, et al.

The motion does not show that a copy of it was served upon the attorney for the Cherokee Nation, and is here in the nature of a request to be notified as to what facts it will be necessary to establish to enable the names of said children to be placed upon the rolls of the Cherokee freedmen, and that the testimony necessary to establish said facts shall be furnished [illegible]. The motion sets out nothing in the way of evidence

that has not heretofore been considered in connection with the case. The Office respectfully concurs in the recommendation of the Commissioner that the motion be denied.

The record in the case is transmitted herewith.

Very respectfully,

E. F. Larrabee,

Acting Commissioner.

EWB-EM

D.C.53587-1906. Y.F.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.23658-1906 December 4, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 31, 1906, you submitted a motion for reconsideration in the matter of the application for the enrollment of Robert C., Harry A., Joel (Jewell) C., and (Bert) Benjamin F. Duncan as Cherokee freedmen.

The motion bears no evidence of service upon the attorney for the Cherokee nation. It presents no question of law or fact not considered in departmental decision of April 21, 1906.

The Indian Office submitting the motion November 23, 1906, concurs in your recommendation that it be denied. A copy of its letter is inclosed.

Finding the motion without merit, it is rejected.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,
Thos Ryan
First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 4 to Ind. Off.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F
D. 871

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 15, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for reconsideration of the Cherokee freedmen enrollment case of Robert C. Duncan, et al., was denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-47
LMC

H

COMMISSIONERS.

Henry L. Dawes,
Tams Bixby,
Archibald S. McKennon,
Thomas B. Needles.

Allison L. Aylesworth, Secretary.

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

No 871.

Duncan Elig.

Case set for trial Oct. 5/1901.

Cher Fr D 872

Cher Fr D 872

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants:
W. W. Hastings, of counsel for Cherokee Nation.

Jefferson Ross, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jefferson Ross.
Q How old are you? A About 35.
Q What is your post office address? A Hudson.
Q What district do you live in? A Goweesoodwee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other Nation or tribe? A No, sir.
Q Who do you want to enroll besides yourself? A There is the children on there (hands Commissioner paper.)
Q Are you married? A I have been married, my wife is dead.
Q You just want to enroll yourself and children? A Six children.
Q Your oldest children will have to apply for himself, he appears to be 26 years of age; five children; what is the next oldest? A Wilson.
Q How old is he? A 20.
Q What is the next, Emma, 17? A Yes, sir.
Q The next one Elizabeth? A Yes, sir.
Q How old is she? A 17, they are twins.
Q The next one is Gertie? A Yes, sir.
Q She 15? A Yes, sir.
Q The next one Frank? A Yes, sir.
Q She is 10? A Yes, sir, it is a boy.
Q These children all living at this time? A Yes, sir.
Q Living with you? A No, they are living down there with their brother, you see I am staying with my sister now.
Q Your name on the roll of 1880? A No, sir.
Mr. Smith: Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A Mrs. Lewis Ross.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Who are your witnesses? A Uncle Nelson Murrell.
Q Who else? A Samuel Webber, and Harry Still.
Commissioner: Who is Vannella Ross you have a paper for? A That is my daughter Elizabeth's child.
Q You want to apply for her? A Yes, sir.
Q She appears to be about one year old? A Yes, sir, and now Eli has got a girl.
Q Well Eli will attend to his own girl.
Mr. Smith: Where did Lewis Ross live before the war? A He lived up on Grand River the last place he lived.
Q Where was that, in the Cherokee Nation? A Yes, sir, in the Cherokee Nation.
Q Where were you living when the war commenced? A When the war commenced I was in Fort Gibson.
Q What became of you during the war? A I went north.
Q Who did you go with? A My father and mother and the rest of the children.
Q Where did you go to? A I went to a little town by the name of Central City.
Q When did you return to the Cherokee Nation after the war?
A I returned to the Cherokee Nation in '66.

Jefferson Ross - 9.

Q Where did you come to, what part of the Cherokee Nation? A I came down on Snow Creek to Uncle Nelson Murrells.

Q How long did you stay at Nelson Murrells? A Stayed there with her, I don't remember, I think I was there five or six months.

Q Then were did you go? A Went from there to where my sister lived on Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.

Q How long did you stay there? A With her; well I stayed down around there I think some four or five years, five or six years, something like that, I will not be certain.

Q When did you marry? A I can't tell you just when I married, it was probably eight or nine or ten years after the war.

Q Where did you marry? A I married at a little town by the name of Mapleton.

Q Mapleton? A Mapleton, Kansas.

Q Where were you living at the time you married? A Well, I really was living no place, I was going round from place to place, I had run off from my folks.

Q Then where did you bring your wife back to the Cherokee Nation?

A I brought her back, I don't know what what year we came back here in.

Q Was your wife a citizen? A Yes, sir.

Q A citizen of the Cherokee Nation? A Yes, sir.

Q Who did she belong to before the war? A She belonged to Mr. Murrell.

Q Was Murrell a Cherokee? A He wasn't, but his wife was.

Q What was her name? A Miss Amanda, she was Mr. Lewis Ross youngest daughter.

Q Amanda Murrell? A Yes, sir.

Q Where was Amanda Murrell and her husband living when the war commenced? A Living down to Park Hill.

Q Where did you first know your wife, did you know her before the war? A Yes, sir.

Q Do you know what became of her during the war? A Yes, sir, my uncle taken her north, Uncle Moses.

Q Do you know of your own personal knowledge when she came back to the Cherokee Nation? A Yes, sir, when she came back I brought her back.

Q I am talking about your wife now? A That is what I am talking about.

Q When did you bring her back? A I don't know just exactly what year it was I brought her back, she had been back before then, I don't know who she came back with, but then she went back again.

Q The first time she came, do you know of your own personal knowledge anything about that? A I don't know just when she came back, no, sir.

Q Did you see her after the war until you went to Mapleton the time you and she were married? A No, sir.

Q When did your wife die? A She has been dead about 8 years.

Q Where did she die? A Lets see, I think she died, I think she died in Lynn County, she went up there to the doctor, Dr. [illegible] was working on her, I believe.

Q Where were you living at that time? A I was living here in the neighborhood of Chelsea Creek then.

Q Did you have any farm then? A No, sir, my wife's health was so poor I didn't work on any place, it so discouraged me I didn't have anybody to keep house and I didn't take on any place.

Q [illegible] What is your first wife that died 8 years ago [illegible]

Q [illegible] of these children? A Yes, sir.

Q When did you bring her back to? A I disremember the year, I

don't know any dates, some eight or ten years after the war.

Q These children whose names you have given and for whom you apply they are living in the Cherokee Nation? A Yes, sir, they are in there now.

Q Have you one other son, a child older than Ed? A That is all, sir.

Q Now who came back with you at the time you came back in '66?

A An old gentleman by the name of Monday. He came with me.

Q And your family? A No, sir, nobody but myself.

Q Didn't have any brothers or sisters come back with you?

A No, sir, none of them came back at the time.

Commissioner: Is Elizabeth married? A Yes, Elizabeth is married, the one that has got the baby.

Q Well, she will have to apply for herself; any of the other of these children married? A No, sir.

Mr. Smith: Is Elizabeth here? A No, sir.

Mr. Hastings: You came back with a man named Monday did you? A Yes, sir.

Q He a colored man? A Yes, sir.

Q You came to Uncle Nelson Murrell's first? A Yes, sir.

Q Where was Uncle Nelson living at that time? A Right there where he is living now.

Q At what time in the year was it? A If my memory serves me right it was along in July.

Q And you stayed with him then some five or six months? A Yes, sir.

Q Is that till about the Christmas following? A Oh I stayed till the next spring.

Q Uncle Nelson have a house at that time? A A little log house.

Q Who lived neighbor to Uncle Nelson at that time? A I don't just remember anybody living right around close to him there; it was a wild country.

Q He lived on Snow Creek? A Yes, sir, was right there on Snow Creek.

Q Had you known Uncle Nelson before that time? A Yes, sir.

Q Did you know him in Kansas? A No, sir.

Q You don't know how long he had been back down there at that time, don't know whether he had come a year before that or not? A No, sir, I don't know.

Q Did he have in a small crop of corn when you came down there?

A No, he just had a small garden spot, just a few acres.

Q Had a truck patch in? A Just kind of a truck patch, yes.

Q You think that was in the month of July? A I am satisfied it was sometime in July.

Q You didn't married he to this time? A No, sir.

Q You came from there on down to Lightening Creek? A From Uncle Nelson's, yes sir.

Q Who did you live with on Lightening Creek? A My sister.

Q What was her name? A Katie Thornton.

Q Where was she living on Lightening Creek? A She was living right near the Mission place, she owned that place at the time.

Q About what month was it you came down there? A I can't tell you just what month it was that I came down to Lightening Creek, it was along in the spring, first part of the spring time.

Q Month of April? A Might have been, I can't remember.

Q Where did you see Henry Still first after the war? A Where I first saw him, I saw him somewhere there at my sister's.

Q On Lightening Creek? A Yes, sir, I think that is the first place I saw him.

Q Where did you see Samuel Walker? A After I came here I saw him on Snow Creek.

Q Nelson Murrell's? A No, sir.

Q That was after you had been to Nelson Murrell's? A Yes, sir, after I had been to Nelson Murrell's and coming acrosss coming down on Lightening Creek I run onto him.

Q Well Jeff, how long did you stay on Lightening Creek? A Why I stayed there some two or three years I guess.

Q What did you do down there? A I helped my sister run the place, helped my brother.

Q What was his name? A Henry Thornton.

Q How far did Harry Still live from your brother? A I don't know just the exact distance just how far he did live, just close neighbors.

Q A mile or two? A Might have been a mile or two or such matter.

Q Where was Lewis Whitmire living? A He wasn't living very much farther, probably same distance as Harry Still; it has been so long can't remember.

Q Where did you go from Lightening Creek? A When I left Lightening Creek I went up to Big Creek.

Q At whose place? A Went up there and helped move Henry Thornton up there.

Q Where did you go from Big Creek? A I went from Big Creek back up to where they were making ties on the Verdigris.

Q In what year was that? A I don't know just what year it was in.

Q How long after the war? A It was quite a little bit after the war.

Q For what railroad were they making ties? A I think they were making ties for the Santa Fe railroad.

Q Where did you go from the Verdigris? A I said I went back to Kansas.

Q What place in Kansas? A Went to Mapleton.

Q About what year was that? A I don't know what year it was in.

Q How long after the war? A It was quite a little bit after the war.

Q Two or three years? A Probably it was twoor three years after the war; it was a great deal longer than that; I wasn't paying my attention to what you said.

Q About how long after the war? A I don't know just how long it was after the war.

Q Much as three or four years? A It might have been, I can't remember how long.

Q You had stayed in here you said with Nelson Murrell and on Lightening Creek and were afterwards making ties on the Verdigris before you went back? A Yes, sir, that is the places I said.

Q You hadn't been married up to that time? A No, sir.

Q You married in Mapleton? A Yes, sir.

Q There is where you met your wife first after the war? A Yes, sir.

Q How long had you seen her up there before you married her?

A Probably six or eight months before we married and maybe longer than that.

Q What were you doing up there? A Just around through the country.

Q What is your oldest child's name? A Eli.

Q Where was Eli born? A Up in Kansas.

Q Where was Frank born? A The baby, well Frank was born on Verdigris Creek.

Q At whose place? A Near Jesse Riley.

Q Who lived a neighbor there besides Jesse Riley? A Jesse Riley and Andrew, there was quite a number of them up there. I can't call all of them.

Q Where was Sertis born? A Sertis was born in the same place.

Q In the Cherokee Nation? A Yes, sir.

Q Where was Elizabeth born? A Elizabeth, those twins were born on the Big Creek.

Q At whose house? A Katie Thornton's.

Q Where had you come from? A Panther Creek.

Q When did you settle on Panther Creek? A I didn't really settle there, I was there along friends that was with me before the war.

Q When did you settle here? A I never did settle here, but have property here, I taken up a claim but I never could get enough ahead to do anything at all after my wife got afflicted more than to send her back and forward.

Q It didn't prevent you from having children? A No, sir, you hardly ever see anything that can prevent that.

Q Your wife was in bad health all this time and yet you had children down to ten years ago? A Yes, sir.

Q She died in Kansas? A Yes, sir, she died in Mapleton.

Q You applied to the Kern-Clifton Court for enrollment? A Yes, sir.

Q Why? A Because I was situated so I really couldn't, I was busy and kept putting it off until it was too late to go.

Q You were busy at that time: where were you at that time?

A Where was I at the time the Kern-Clifton Court: I was on Big Creek.

Q Keep house up there? A No, sir, I told you I never kept house.

Q Where is Eli now? A He is down on the river close to his Uncle Moses.

Q How long has he been there? A I don't know exactly how long he has been there.

Q Answer me about how long? A I can't tell you because Eli never has lived with me much since he has been big enough to take care of himself, he has been living around through the country, until he married.

Q Where did he marry? A Married his wife in Kansas.

Q What town? A I don't know what town.

Q Was she state raised? A Yes sir, I think she was a girl from Missouri.

Q Is his wife dead? A Yes, sir.

Q Where did she die? A I don't know, I can't tell you.

Q Where is Wilson? A He is down there too, on the river.

Q He went down there with his brother, did he? A Yes, sir.

Q Well, his brother never went down there till after his wife died? A No, he was living there before his wife dead.

Q Can't you tell me now when his wife dead? A No, sir, I can't tell.

Q About how long ago? A Oh his wife has been dead I guess some eight or nine years; no, must be six or seven years.

Q But you don't know where she died? A No, sir, I don't know exactly where she died.

Q He never told you? A I don't remember at all.

Q How long has this Wilson been away from you and down there with him? A Wilson has been away from me probably three years, probably more than that.

Q Did Mary tell you when you were living in Kansas and went down to his brother? A Wilson did, yes sir, he didn't do no such thing.

Q Where were you living? A When Wilson left me I was living on Panther Creek, right there in Where I was.

Q Were you keeping house up there? A No, sir, staying right with John Riley.

Q Where is he to now? A He lives up Creek.

Q Where not keeping house now Eli? A No, sir.

Q Where have they been in the Indian Territory? A No, sir, I don't know.

Q Did Mary have money on the [illegible]? A I did not.

Q Did anybody? A Yes, sir, I remember at the Indian Agency [illegible]

Q Where she first [illegible]

[illegible]

me, but if they enrolled me they scratched my name off, it couldn't be found; I went down to the payment; I have got witnesses on the ground to prove they were my witnesses at the Wallace Court.

Q That wasn't the Cherokees that scratched you off that time, it was Mr. Wallace? A I don't know who scratched me off, it didn't show up.

Q At whose house did you say Frank was born? A Jesse Riley's.

Q Whose house was Gertie born? A Same place.

Q He was living with your niece at that time? A Yes, sir.

Q Well you didn't go before the Kern-Clifton Commission at all? A No, sir.

Commissioner: Are these children you say all born in Kansas? A No, sir.

Q Where was Wilson born? A Wilson was born down here on Panther Creek.

Q Cherokee Nation? A Yes, sir.

Q Where was Emma born, and Lizzie? A The twins was born on Big Creek.

Q Cherokee Nation? A Yes, sir.

Q Where was Gertie born? A She was born on Panther Creek.

Q Where was Frank born? A He was born the same place.

Q All born in the Cherokee Nation? A Yes, sir, all except one, viz: the oldest was born in Kansas.

Q Didn't have any house of your own? A No, sir, never had any house of my own.

Q These children were born at different people's houses? A Yes, sir, relatives of mine.

Mr. Hastings: Nelson Murrell had three or four acres in a patch at that time? A Probably that much, I don't know exactly.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants not identified thereon.

The Wallace roll examined and the applicants not identified thereon.

Nelson Murrell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Nelson Murrell.

Q How old are you? A About 77.

Q Where do you live? A Gowesscoowee.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant, Jefferson Ross? A Yes, sir.

Q How long have you known him? A Ever since a child.

Q Was he a born slave? A Yes, sir.

Q Who did he belong to? A Lewis Ross.

Q Lewis Ross a Cherokee Indian? A Yes, sir.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q Where was he living at the time the war commenced? A On the Grand River at Salina?

Q Cherokee Nation? A Yes, sir.

Q Where was Jefferson living? A Living the same place.

Q Do you know whether Jefferson was out of the Nation during the war or not? A Yes, sir.

Q Where was he? A Kansas.

Q Do you know when he returned to the Cherokee Nation after the war? A Well, I guess about the time he returned, when I found him he came to my house; when I came in '66, didn't see him, I found him at my house.

Q How long did he stay at your house? A Stayed at my house that winter, fall and winter and until the next spring.
Q Then where did he go? A He went from there to look for his sister, over there somewhere east of me.
Q When did you see him again next after he left your house? A I saw him off and on at different times, I don't know exactly what time, but I saw him after that, I know any time of the year I saw him off and on at one place and another.
Q You remember where you saw him first after he left your house?
A The next place I saw him was over on Big Creek to remember.
Q About how long after he left your place? A I think that was about three years.
Q Was the place where you saw him up on Big Creek in the Cherokee Nation? A Yes, sir.
Q Do you remember where you next saw him after that? A The next time I saw him I saw him up on Goose Neck Bend.
Q About how long was that after you saw him on Big Creek.
Q It was maybe as high as eight or ten years.
Q Do you know when he married? A No, sir.
Q Do you remember seeing him after he was married? A Well I saw him after he was married here and going around through the country.
QQ You didn't know his wife before she was married? A Yes, I knowed his wife before he was married.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A George Murrell.
Q Was George Murrell a Cherokee? A No, he was a white man, but his wife was a Cherokee.
Q Who was his wife before she married? A Amanda Ross.
Q She a citizen of the Cherokee Nation? A Yes, sir.
Q Was he a citizen of the Cherokee Nation by adoption? A Yes, sir.
Q Well, you know what became of Jefferson's wife during the war, whether she went out or not? A Out in Kansas.
Q That girl, she belonged to who? A George Murrell.
Q I saw, do you know where she was during the war? A She was in Kansas.
Q Do you know when she came back? A No, sir, she never came back at all.
Q Now who is that you are talking about? A Jefferson's wife here, she died up in Kansas.
Q Well, did you ever see her back in the Cherokee Nation at all?
A Never did.
Q Well, when did Jefferson marry her? A I suppose he married up in Kansas, I wasnt there, he was up beyond me up in Kansas.
Q Now where was she living before the war commenced? A She was living at Park Hill.
Q Where is Park Hill? A About five miles from Tahlequah.
Q Well, how far is Tahlequah from the place where you lived at the time Jefferson came back to your house? A My house since the war you mean?
Q I mean the house that Jefferson came to in July of '66? A It is about eighty miles I suppose from Park Hill, and maybe more.
Q You don't know whether that woman came back or not do you?
A Yes, I know Jefferson came back.
Q You know Jefferson came back? A Yes, I know he came back.
Q I am talking about Jeff's wife?
Commissioner: What was her name? A I can't think of her name now, but I know her.
Mr. Smith: She belonged to George Murrell's wife? A Yes, sir.
Q You lived down at Park Hill before the war? A Yes, sir.
Q That is about eighty miles below you? A Yes, sir, I lived there before the war.

Q You haven't lived there since the war? A No, sir.
Q Do you know of your own personal knowledge whether that woman ever went down there or not? A No, sir, I don't.
Mr. Hastings: This man has never kept house in the Cherokee Nation since the war, has he Nelson? A Well, he has been about his sister since the war.
Q What was his sister's name? A Named Katie Thornton.
Q Where was that? A On Big Creek.
Q When was that? A That has been along about the time Joel Mayes was elected, ten or 12 years ago.
Q Now Nelson, he and his wife, after he married her, never came down here in the Nation and kept house in a separate house? A Not to my knowing, sir.
Q You know his children? A No, sir.
Q Did you ever see them? A I have seen them once or twice, that is, some of them, I never have seed them all.
Q You lived near his wife before the war? A Lived right in the same yard.
Q And you have heard him say who she was? A Yes, sir.
Q And you knew her well? A Yes, sir.
Q Do you know what time after the war he married her in Kansas?
A No, sir.
Q Know whether he was married when he came to your house the first time? A I don't think he was, I can't be positive.
Q Now have you missed him, or rather, ~~xxxxxxxxxxxx~~ after you saw him on Big Creek two or three years afterwards, then how long was it before you saw him again? A Four or five yearsbefore I saw him again.
Q That was after his wife was dead? A Yes, sir.
Q Did he bring any children down there with him then? A Brought a little boy.
Q Down at that time? A Yes, sir.
Q Know how many more children he has, whether that is all or not?
A I don't know but what that is all.
Q Never heard of him having more than one? A No, sir.
Q Has he been married more than once? A Not to my knowing.
Q Was that woman that he married, married before, to your knowledge?
A No, sir, never married before,right young girl.
Q This man has never kept a separate house here anywhere, so far as you know? A Not so far as I know.
Q Has he ever made a crop here? A Well, not to my knowing, not that I know of.
Q What is his occupation? A His occupation was working around his sister, when I always went over there, there is where he was staying.
Q When did you ever see him at his sister's? A I have seen him time and again.
Q How many years ago was that? A That has been along fifteen or twenty years ago, I saw him time and again over there.
Q Before he was married? A Yes, sir.
Q I mean since his marriage? A He has been going around ever since he has been married, since his wife is dead, I saw him first around and about over there.
Commissioner: He is talking about the time before his wife died, when he married, tell us what he did? A That is what I am talking to you.
Mr. Hastings: Did you ever see him there while his wife was living?
A No, sir.
Q Never saw his wife in the Cherokee Nation after the war? A No, sir, she went to Baxter Springs in '88.
Q What time did you come back here in '88? A I came back here in '86, and then I came back here July, '88.

Q Has you a house built then? A I built a house in February, '66.
Q Up on Snow Creek? A February of '65.
Q On Snow Creek? A On Snow Creek.
A Now let us know where that was: the same place you are living?
A Yes, sir.
Q In February, '65? A Yes, sir.
Q You are not mistaken about that? A No, sir, I am not mistaken.
Q Did you clear out that little field that year? A Yes, sir.
Q In '65? A In '65.
Q Put in any corn in '65? A I had Ben Alberty to break me a patch and plant some corn in '65.
Q You had a crop there in '66 then? A Yes, sir, made a small crop in '66, a little crop.
Q When did you move your family down? A I moved my family down in the fall of '66.
Q Then your family wasn't down there when he came to your place?
A No, sir, my family wan't down there, I was making hay down there when he came.
Q That is where you are living now? A Yes, sir, that is where I am living now.
Q Is that house standing there yet? A No, sir, gone, rotted along ago; I have got me a good fine house now.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war, came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house there on Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house?
A He has been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for nearabout two years I guess.
Q Where? A There at Lightening Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know how long after the war before he married? A No, sir, I can't tell that.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw his again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months or a year

after that I met him again there.

Q You know where he was married? A No, sir, I can't tell you.

Q Was he married at that time? A If he was I didn't know it.

Q Did you know his wife? A No, sir, I don't know his wife.

Q Did you ever see his wife? A Not to know it was here.

Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.

Q What was her name? A Katie Thornton.

Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.

Q What is his occupation? A I can't tell you.

Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.

Q He never made a crop to your knowledge? A No, sir, not to my knowledge.

Q Has he got any special occupation like a carpenter? A Not as I know of.

Q What is Katie Thornton's husband named? A Henry Thornton.

Q Was that her husband at that time? A Yes, sir.

Q With whom does this man stay now? A I don't know that.

Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.

Q Did he have any children when you saw him? A I never seen them if he did

Q You don't know where his family were, if he had any? A No, sir.

Jefferson Ross, recalled, testified as follows:

Mr. Hastings: When you were first at Sam Webber's house, where was he living? A Living on Big Creek.

Q What was his wife named? A I don't know what his wife was named.

Q Was he living in a house there? A Yes, sir.

Q Have a field? A No, he didn't have but a small patch, didn't any of them have any fields then, hadn't made any them.

Q Who was he living nearer to at that time? A Well, I can't tell you, I don't know of any person living right handy to him then.

Q He and his wife were living together at that time? A Yes, sir.

Q You don't remember her name? A No, sir.

Q He had a wife? A He had a wife.

Q Did he have any children at that time? A I don't remember, he might have had children, and he might not, I can't remember, to be honest with you.

Q You know he and his wife were keeping house there, staying to themselves? A Yes, they were there in a house to themselves.

Q That is when you first came there? A Yes, sir.

Sam Webber, recalled, testified as follows:

Mr. Hastings: Mr. Webber, when were you first married? A When I first married? I married just a short while after the war, I disremember just what year.

Q Before you came down here? A After I came down here.

Q Well, about how many years after you came down here? A It wasn't a year or great after I came here.

Q Well, you know what time of the year you were married? A I was married along in the winter.

Q Was that the same winter you came, or the winter of '[illegible]? A It was along about, it threshed in '[illegible], it was after Christmas.

Q You mean in January of '[illegible] or the last part of '[illegible]? A It was along after Christmas, I don't remember the date.

Q What was your wife named? A My wife [illegible] time was named Martin.

Q When did you commence keeping house? I went in my house when I first came there.

Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.

Q What time in the year did you and your wife move into that house?

A We moved right in the house after we were married.

Q And you don't remember when that was, that time of the year?

A Along after Christmas; I was already in the house.

Harry Still, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Harry Still.

Q What is your age? A 54.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant, Jefferson Rose? A Yes, sir.

Q Did you know him before the war? A No, sir.

Q When did you first become acquainted with him? A '67

Q Where did you meet him in '67? A Henry Thornton's.

Q Where is Henry Thornton's? A On Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.

Q You remember what time in the year of '67 it was? A It was in the summer of '67.

Q How long did you see him then from the time you first saw him there in the summer of '67? A I saw him around there a while, I don't know exactly how long he did stay there, till he went away from there.

Q Did you know his wife? A No, sir.

Q Do you know where Jefferson lives now? A The last time I saw him, that is when he was here, was up here to Katie's; I don't know where he lives now.

Q Katie Thornton's? A Yes, sir.

Q Katie Thornton related to him? A Sister.

Q Where does she live? A Close to Albert Morris on Big Creek.

Q That in the Cherokee Nation? A Yes, sir.

Commissioner: You say you don't know his wife? A No, sir.

Q You never knew his wife then? A No, sir.

Mr. Hastings: Where did you see him first in the summer of '67? A I saw him at Henry Thornton's.

Q What was his wife's name at that time? A I don't know; this man's?

Q No, Henry's wife? A Katie.

Q Where was Henry and Katie living? A On the Bill Madden place.

Q How long did they continue to reside there? A They lived there several years before they left there.

Q They moved from there up where they are living now? A Yes, sir.

Q About how long did you see this applicant around there that summer? A I don't know exactly how long I did see him there, sometimes he would be gone.

Q A month? A Yes, a heap more than that.

Q Your best judgment? A I don't know, sometimes I would go off to my father's and come back and sometimes I wouldn't see him there.

Q Around that period, length of time, did you see him around Henry and Katie Thornton? A I would not swear positively, I have seen him several times at different times; I never saw his wife.

Q You don't know where he married her? A No, sir.

Q You don't know where his wife died? A No, sir.

Q You don't know where his children were born? A No, sir.

Q Did you ever see any of his children? A No, sir.

Q You know how many he has got? A No, sir.

Q Where has this man been the last four or five years?
A I don't know sir.
Q You know he has never resided down here? A No, I don't. I don't know that.
Q You never saw him keeping house separate here by to himself?
A No, I never saw him keeping separate house.
Q He has got no special occupation? A I don't know.
Q How long after you missed him down here till you saw him again?
A It was several years.
Q About how many, fifteen or twenty? A Yes, sir, I guess it was a bout that.
Q You saw him down about the Wallace Court I reckon? A No, I saw him once before that.

Jefferson Ross, recalled, testified as follows:
Mr. Smith: Jefferson, who married you, do you know? A A preacher named Young.
Q Where? A At Mapleton; lived out about three miles from town.
Q You know wherher that preacher is living or not? A No, sir, He was a white man.
Q Did you get a license? A Yes, sir.
Q Who did you get a license from? A He gave me a license himself.
Q The preacher did? A Yes, sir.
Q Didn't you have to go around to the Clerk's office or something like that? A No, sir, I just went to his house and he called his son out of the field for a witness and we were married right there at the house, in the country, three miles from town; that is all there was to it, then.
Q You don't know whether he is living or not? A No, sir, I don't.
Q Have you got any proof now Jefferson, as to when your wife came back here to the Nation after the war before you brought her back after you married her? A Yes, sir, I am pretty well satisfied, I don't know as I have got it on the ground, but I can get it.

Commissioner: Jefferson Ross applies for the enrollment of himself and four children, to-wit, Wilson, [illegible], Gertie and Frank. He avers that he was married to one —

Q What was your wife's given name? A Sylvia.

— Sylvia Murrell, and she belonged to Amanda Murrell; he married in the State of Kansas about ten years after the Civil War. She is now deceased. He avers that he was a slave himself, and was taken out of the Cherokee Nation during the war; that he belonged to one Lewis Ross, and that he returned in '66. He avers that his children were all born in the Cherokee Nation. He makes no proof of marriage, and no satisfactory proof as to the time of the return of his wife, that is, as to whether she returned within the time prescribed by the Act requiring Cherokee Freedmen to return. Reference is made to his testimony, and the said Jefferson Ross if [illegible] listed for enrollment as a Cherokee Freedman [illegible] card. It will be necessary for him to file satisfactory proof as to the birth of his children. Their names [illegible] were not on the rolls of the Cherokee Nation [illegible] the rolls of the Cherokee Nation now in the [illegible] enrollment, the name of the applicant is not found upon [illegible] of the rolls, and he has never been acknowledged by the

DEPARTMENT OF
COMMISSION TO THE FIVE CIVILIZED
FILED
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Territory of Oklahoma,

Chickasaw Nation, ss.

Affidavit.

James P. Jones being duly sworn says that as stenographer to the Commission to the five civilized tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 7th day of July 1897.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 28, 1901.

In the matter of the application of Jefferson Rose et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mallette & Smith, attorneys for the applicants
W. W. Hastings, of counsel for Cherokee Nation.

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A W. A. Johnson.
Q What is your age? A 71 years.
Q What is your postoffice address? A Garnett, Anderson County, Kansas.
Q How long has Garnett been your postoffice? A Since the spring of 1856.
Q Did you know a colored man by the name of Jefferson Rose, or Bowman? A I knew a colored man by the name of Jefferson Lodman, whose name I understood was Jefferson Rose.
Q Did you know his father? A Yes, sir.
Q What was his father's name? A Jacob.
Q Do you remember his mother? A Yes, sir.
Q What was her name? A I don't remember her name; I only knew her by his name.
Q Well, when did you first learn to know this defendant? A About the latter part of '55 or early part of '56.
Q Well, how long did you know him? A I have known him ever since.
Q Do you know where he lives now? A Why I knew where he lived until two years ago.
Q Where? A He lived in and near Garnett; he lived for a few years in the vicinity of Garnett but for thirty years or thereabout he lived in the city of Garnett.
Q Was he ever married? A He had a family.
Q Do you know whether his wife is living or not? A His wife died a few years ago.
Q Had he some children? A Yes, sir.
Q You remember any of them? A Yes, sir.
Q And do you remember any of their names I mean? A Yes, I remember the name of one of his children. Did if his oldest child, a son.
Q Well, how did you understand his name to be Rose, how did you come into possession of that knowledge? A I learned it from both him and his father, they consulted me in relation to their rights under the treaty with the Cherokee Indians and the old gentleman -
Mr. Smith: If the court please, I want to enter my objection to this evidence that evidently was a confidential communication which the witness had no right to communicate without the consent of the applicant?
Commissioner: The objection will be noted and the witness will please answer.
A In speaking of the matter, the old gentleman said that he didn't like the name of his master, and he supposed he would have to go by the name of his former master, which was [illegible], and that, he said, was his Indian name, Lodmin Tuga, and Jeff has also talked to me about it a number of times.
Q Did Jeff ever own any property in Garnett? A Yes, sir, he owned a little house and lot there in Garnett.
Q Do you know where he was married? A No, sir, I don't, I don't remember just when or where he was married.

Q Do you know where his children are now? A His children are there in and about Garnett; the oldest son I suppose is down here now, I saw him night before last, he told me he was coming down.

Q Where did you see him? A Saw him at Garnett.

Q What was his name, Hill? A Hill.

Q Well, has Jefferson Rose a brother by the name of Rose? A Yes, sir.

Q When did you first become acquainted with Rose? A About the same time I did with Jeff.

Q How long did you continue to know him? A Till about ten years ago.

Q He left there about ten years ago? A Yes, sir.

Q Well you know him from the time you first became acquainted with him up to the time he left? A Yes, sir.

Q I will ask you if Jeff or Rose or either ever exercised any rights of citizenship in the way of voting? A Why yes, both of them have.

Q You know them both well? A Yes, sir, and I generally know how they voted.

Q I will ask you again, in order to get it in this record, I believed you stated in another case that you held a number of official positions, including County Attorney and Judge? A Yes, sir.

Q And was active in politics in your county? A I have been engaged in politics some in my time; more for others than for myself though.

Mr. Smith: Mr. Johnson, I believe you said you were a practicing attorney? A Yes, sir, have been since '92.

Q I understood you to state that this man about whom you are testifying in this citizenship application has consulted you? A Yes, sir, consulted me about their rights under the treaty with the Indians.

Q He consulted you in your capacity as a lawyer, I presume? A Well, he knew I was a lawyer and he consulted me, but he never retained me in any way as his attorney.

Q Well he consulted you with reference to the question of his citizenship in the Cherokee Nation, as I understand you? A No, I wouldn't say that.

Q Well, what did he consult you with reference to? A It was with reference to how he would obtain his rights.

Q Where? A To whatever lands or money that would be coming to the Freedmen under the treaty between the United States and the Indian Tribe.

Q Well, wasn't that with reference to the question of citizenship in the Cherokee Nation? A Well, I suppose you might say it was, but it was never stated to me what his citizenship was or how he would obtain it.

Q Well you understood that it was as a Freedman under the treaty, now Mr. Johnson are you in the habit of furnishing information as to what people say to you when they consult you professionally? A No, I am not in the habit of doing it, although I do do it sometimes.

Q And you did do it in this instance? A Well, I wasn't retained as his attorney at all; you see these colored men very often came to me to talk about their rights, and did their matters generally.

Q Well, if they talked to you about their rights, do you turn it, and with a view to getting your opinion as a lawyer, don't you regard that as a confidential communication? A No, sir, not unless I am retained.

Q You don't? A As an attorney.

Q Did or did you now regards communication which is made during a relation which is leading up to the employment of counsel as a confidential communication?

Mr. Hastings: The representative of the Cherokee Nation subject to the question, because it is a question of professional ethics and is not involved in this case and does not tend to show whether or not Jefferson Rose consulted so and so

comply with the terms of the Treaty of 1866, and is therefore irrelevent and immaterial.

Commissioner: The objection will be noted; answer the question.

A If a person comes to me and makes a statement, a confidential statement to me, with a view to obtaining my opinion upon ay question, of course I would consider it a confidential matter, but if in a general way a person comes to me and makes a statement of a matter, not with a view of obtaining my professional opinion, I don't call it confidentially made at all.

Q Wasn't Ross talking to you with a view to obtaining your opinion?

Q I didn't so regard it.

Q Didn't you give him any opinion? A No, sir, not at that time.

Q Well, when did you give him one? A I told him later than I had examined the Treaty and I thought the freedmen had ought to, if they expected to obtain any rights under it, ought to have returned to the Territory and resumed their citizenship.

Q Then you did give him an opinion? A Later.

Q Did he pay you for it? A No, sir, never did.

Q Do you think the fact that he didn't pay you makes any difference? A No, sir, it wouldn't make any difference.

Q You are a practicing attorney and live in Garnett, Kansas?

A Yes, sir.

Q What are you doing here testifying in this case?

Mr. Hastings: If the court pleases, it does seem to me that that makes no difference; if they are kind enough to come by subpoenas from the Cherokee Nation it is of no consequence to the applicant or their representatives.

Commissioner: That is a question that has been asked and answered here a number of times. The character of the witness is high of course, but it goes to show. This witness does not come on any higher plane as so far as a witness is concerned than any other witness; it goes to show the animus.

Q Why have you appeared here in Vinita to testify in this case then, I will say? A I came here in obedience to a subpoena that was served on me.

Q What kind of a subpoena?

Mr. Hastings: I ~~object~~ insist upon the objection, that it makes no difference if this man has come here in answer to a subpoena.

Commissioner: Let the objection be noted and the question will be answered.

A (Exhibiting paper to Commission)

Q How long did you say you had been practicing law? A Since '53, except while I was in the army and while I was on the bench.

Q Now as a lawyer did you think you had to obey that subpoena?

Mr. Hastings: I object to that; you are not asking for opinions, you are asking for facts.

Commissioner: The objection will be sustained in that; the witness can appear here of his own volition if he desires.

Q Did you come voluntarily? A Yes, sir, I did, because I was subpoenaed.

WILLIAM RAY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A William Ray.

Q What is your age Mr. Ray? A 63 past.

Q What is your postoffice? A Garnett, Kansas.

Q How long has that been your postoffice? A About 33 or 4 years.

Q I will ask you if you know a colored man up there by the name of Jeff Ross or Jeff Loonian? A Yes, sir, Loonian, I was acquainted

with one named Loonien.

Q Did you know his father's name? A Yes, sir.

Q What was his father's name? A Jacob Loonian is what I was told it was.

Q What was his mother's name? A Lydie, I think.

Q Do you know whether he had a brother by the name of Moses, this Jeff? A There was one there called Moses what they called his brother.

Q When did you first learn to know this family, including the father and Jeff and Moses? A Oh I knew them along about '68, got acquainted with them.

Q Now how long did you continue to know Jeff? A Oh I knowed him off and on for all the time, would know him now if I saw him.

Q Did he have a family? A Yes, sir.

Q What was his wife's name? A Sylvie if I am not mistaken.

Q Did you ever hear Jeff go by any other name than Loonien? A Nothing more than just what I have heard, I didn't know any other name.

Q Well, what did you hear? A I heard that he used to belong to Moses is all.

Q Did Jeff have any children? A Yes, sir.

Q Do you remember any of them? A Yes, I know some of their names.

Q Well, name some of them? A Why Eli I think was the eldest one, what I heard.

Q Well, do you remember another one? A Another one was Silly they called him.

Q Know any of the rest of them? A The next oldest one I think was named Mary, she died.

Q The next one? A Josie.

Q How long did Jeff live up there? A I just can't say.

Q Well, when did he leave there? A Why he has been coming off down here off and on for several years, and told me he was hunting up his claim down here, but it has been at least two years or more since he has been away for good, two or three years. He has been coming off quite a while and I was talking with him while he was gone and he said he was hunting up a claim down here, about that.

Q Well now where was his wife and children all this time? A Why they were there, his old woman was until she died.

Q About how long ago has she been dead? A I don't know, some two years or three, I didn't keep the date exactly.

Q She died at Garnett? A Yes, sir.

Q Did you know Jeff well? A Yes, sir.

Q Did you know Moses well? A Moses I didn't know him as good as I did Jeff.

Q About when did Moses leave there? A I just can't say, Moses left there early, him and his father got into a fuss and he run off from home when he was quite a chunk of a boy, I recollect that I knew his father sent him after a horse and he didn't come back.

Q About how many years ago was that? A I can't say, it has been a long time, he was a good chunk of a boy and he has been back and forwards ever since, but he run off then and was gone quite a while.

Q How long did he live there after you knew him? A Oh I have been knowing him off and of

Q How long did he live there before he did keep running off, since you knew him? A Must have been five or six years.

Q That was before he first ran off? A Yes, sir.

Q Now when did he leave there the last time, as far as you know?

A Oh 4 or 5 years, or maybe a little over.

Q Never was married? A Never was up there.

Q Where are Jeff's children now? A Why some of them if in Garnett and some of them in the country around there.

Q When did you see them last? A I see some of them every day or two.

Q Did Jeff own property up there? A Well he used to, he don't now.

Q How long has it been since he disposed of it? A Since his wife died, I guess sometimes about there, that is what I heard.

Mr. Smith: What did you say this man's name was that you knew, Jeff who? A Lochlen is the man I think I spoke of.

Q You mentioned something about having heard that he belonged to Ross; now when did you hear that? A I can't say when it was.

Q About how long has it been? A I can't say.

Q You can give us some idea? A No, I said him had a conversation and he told me so but I don't know when it was.

Q Back five years ago or five months ago or how long? A Oh it is longer than that.

Q Longer than what? A Longer than five years or five months.

Q You don't know where Jefferson Ross was in '96 and '97? A I don't know where he was.

Q When did you first get acquainted with him? A Oh I got acquainted with him near the day after I got to Garnett, it must have been in the latter part of '96 when I got acquainted with him, sometime in '96.

Q Have you always lived in Garnett yourself since that time?

A I have, had a home there ever since '96.

Q Haven't lived anywhere else? A No, sir, never made my home no where else.

Q I said had you ~~ggggggxx~~ lived anywhere else? A Why there was my home, but I haven't made a home anywhere else except there.

Q How long is the longest period of time you were ever away from Garnett during that time? A Oh a month or two months.

Q Not longer than two months? A No, sir, I worked for Col. Houster up at Leavenworth City about two months when he was United States Marshal.

Q Well, did you work for other people away from Garnett at different times? A I worked for them in the country in Anderson County but not away any time, away from home that long.

Q Now from the time you first knew Jeff Ross how many years did he continue to stay there, ~~xxxx~~ before he commenced to go backwards and forwards? A I can't tell.

Q Don't know? A Can't tell.

Q You don't know when he first commenced to go back and forwards?

Q I don't know.

Q From that place to the Territory? A Here-- taken my idea of it, I don't know.

Q When did his wife die? A Oh it has been two or three years ago.

Q You don't know whether that man that you are talking about is the man that is sense here in this case or not? A No, I haven't seen him here.

Mr. Hastings: Did he tell you who his old master was? A I don't know of he did, only they called him, said something about Ross.

Q This man Jeff, whose wife is dead, her name was Sylvia? A I am satisfied that was her name, that is what we called her Sylvia.

Mr. Smith: Who called her Sylvia? A Well he did and I did and others.

Q You called her Sylvia too? A No, I didn't call her Sylvia, I generally called her sister, she belonged to our church and I generally called her as a member of our church.

Q What did you generally call her? A Sister Lucinda.

Q Then you didn't call her Sylvia? A Oh when I could be talking to anybody else I might have called her Sylvia, but to her face I didn't do it, I always called my people that way.

Q Do you remember really what her name was? A I don't know what it was, as I told you, I know what we called her.

Court Stenog: This testimony will be filed in the case of Sir and a copy thereof will be made part of the record in the

[illegible] of [illegible] Thay, on [illegible]

[illegible]

From [illegible] [illegible]

Sworn to and subscribed before me this the [illegible] of [illegible]

Commissioner.

Docket 9 [illegible]

[illegible] Department of the Interior,
[illegible] Commissioner of Indian Affairs,
Washington, D. C., [illegible] 28, 1908.

In the matter of the application of [illegible] for enrollment as a Cherokee freedman.

Applicant appears by [illegible], Cherokee Nation, by W. W. Hastings.

Mr. Smith:

The applicant asks the Commission to make the certified copy of the decree of the court of [illegible] in the case of [illegible] Tiger, [illegible] the Cherokee Nation, [illegible] filed in the [illegible] and D 438, a part of the record in this case and the [illegible] mentioned by reference in the said case of the [illegible] Nation, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible]

W. W. Hastings:

Some of the [illegible] stated and objects to the introduction of the decree because: First: It does not tend to show that the applicant was a member of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the case is incompetent, irrelevant and immaterial and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of the laws, treaties and decrees necessary for the determination of the rights of the parties in an application for citizenship. Fourth: The Commission objects to the filing of a certified copy of said decree in the form of an application where the case is pending and filed in such independent form.

The Commission:

The motion of the attorney for the applicant will be overruled and the decree of the Supreme Court filed in the case [illegible] will be made a part of the record by reference in the cases where such decree is necessary. [illegible] of the [illegible] Nation, of the Northern District, [illegible].

Mr. Smith:

The applicant further asks that under the above [illegible] [illegible] for the [illegible] of all the records [illegible] when the [illegible] [illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. C. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, certify that the above and foregoing is a true and correct copy of the stenographic notes of the testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 23, 1902.

P. C. Reuter
Notary Public.

Cherokee Freedmen 3-872.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jefferson Ross, et al., as Cherokee Freedmen.

DECISION.

It appears from the record herein that Jefferson Ross appeared before the Commission at Muskogee, Indian Territory, on June 26, 1901, and made application for the enrollment of himself and his four minor children, Wilson, Emma, Gertie and Frank Ross, as Cherokee freedmen. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 28, 1901.

The evidence herein shows that Jefferson Ross and his wife, Lydia Ross (now deceased), were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Ross Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The said Wilson Ross, Emma Ross, Gertie Ross and Frank Ross have been born since 1866 and have no rights to enrollment except such as they may have acquired through their said parents.

It does not appear that the name of any one of the applicants herein is identified on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Jefferson Ross, Wilson Ross, Emma Ross, Gertie Ross and Frank Ross as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
(SIGNED).

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAR 5 1904

Sam Martin

Knew Jeff Rose just after war near Garnett - He married in Mapleton Kan - Children born in Kan - Lived in Garnett - on farm awhile - Came to Wallace County - then went back to his family - He came back after the big payment - Still now in Colby Kan -

ATTORNEYS:
W. W. HASTINGS, ... Tahlequah, I. T.
J. L. BAUGH, ... Choutsau, I. T.

STENOGRAPHER:
J. C. STARR, ... Vinita, I. T.

MARSHALS:
JOHN PARKS, ... Vinita, I. T.
W. B. WYLY, ... Tahlequah, I. T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.....

W. A. Johnson –

Knew this man Jefferson Ross or Lorian – Had correspondence for him + knew that it was Ross – Had been slave of Lewis Ross – Known him since 1865 – Jeff left about 2 yrs ago – Garrett 3100 now, – Valued them – Jeff's children there yet –

#

Ray (Wm) came in 1861 or 1862 & known them since until 2 yrs ago – Saw them there yesterday

#

Apply this in Moses Ross – No – 283 –
Left there about 10 yrs ago –

M&G

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH, SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D 872

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Jefferson Ross for the enrollment of himself and his minor children, Wilson, Emma, Gertie and Frank Ross, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Encl. V-11

Cher Fr D 873

Cher Fr D 873

File with Cherokee Freedman D-[illegible] Intermarried

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 25, 1901.

In the matter of the application of Becky Webber for the enrollment of herself and 3 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Becky Webber.
Q How old are you? A 46 or 7 years old I guess, I don't know.
Q What is your postoffice? A Centralia.
Q What district do you live in? A Cooweescoowee.
Q You apply to enroll as a Cherokee Freedman? A Yes sir.
Q Who besides yourself? A 3 children.
Q Give me the names of your children? A Louella Webber.
Q How old is Louella? A 16 years old.
Q Next one? A Arthur Webber.
Q How old is Arthur? A 13.
Q Next one? A Mabel Webber.
Q How old is Mabel? A 6 years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ellis Webber.
Q Is he a citizen? A Yes sir.
Q Has he been enrolled? A No sir.
Q Why don't he enroll with you? A I don't know sir.
Q Is your name on the roll of 1880? A No sir.
Q What is your father's name? A Frank Crossland.
Q What is your mother's name? A Zilphy Holt.
Q Frank Crossland living? A No sir.
Q Zilphy Holt living? A No sir.
Q You say your name is not on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir, I drawed the Wallace money and Clifton and Kern money.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on
page 140 #3467 Rebecca Webber, Cooweescoowee District.
page 140 #3472 Lou Webber, Cooweescoowee District;
page 140 #3473 Arthur Webber, Cooweescoowee District.

Q Your father is not living? A No sir.
Q Nor your mother? A No sir.
Q Where were you born? A At Webbers Falls.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Bill Holt.
Q Was he a Cherokee? A I guess so. His woman was, I don't know, I was small.
Q Was you taken out of the Cherokee Nation during the war, and your mother? A Yes sir.
Q Where to? A Ft.Scott.
Q When did you come back? A '66.
Q Been living here ever since? A Yes sir.
Q Are these children all living? A Yes sir.
Q Were they born in the Cherokee Nation? A Yes sir.
Q Always lived in the Cherokee Nation? A Yes sir.
Q You say you have lived in the Cherokee Nation continuously since 1866? A Yes sir.
Q How long has your mother been dead? A About 22 years.
Q You know why your name is not on the roll of 1880? A No sir, I do not.
Q Was your father a slave? A Yes sir.
Q Did he die before the war? A Yes sir.

By Mr. Davenport, Cherokee Rep've:

Q Do you know to whom you belonged before the war? A Bill Holt.

Q You didn't claim you belonged to Bill Holt at the Kern-Clifton Commission? A No sir.
Q Didn't you claim you belonged to Robin Webber? A No sir.
Q Where was Bill Holt living when the war broke out? A At Webbers Falls.
Q You went to Kansas during the war did you? A Yes sir.
Q What point? A Ft. Scott.
Q How long did you stay at Ft.Scott? A I was 6 years old when I went there, and they said I was 9 when I come back here, I don't know.
Q Who did you go with to Ft.Scott? A My mother.
Q Anyone else? A I don't know.
Q What is your mother's first name? A Zilphy Holt.
Q Who did you come back to the Cherokee Nation with?
A My uncle, Caesar Smith, Mose Smith, and Joe Smith and George Meigs, and Sam Webber, and I don't know who all, there was a whole lot of us.
Q How old was you when the war broke out did you say? A I said I was 6 years old.
Q Where have you been living since you came back? A I lived on Big Creek a while and on Cedar Creek.
Q Have you lived anywhere else except the Cherokee Nation? A No sir.
Q Resided continuously in the Cherokee Nation? A Yes sir.
Q How many children had you when you returned to the Cherokee Nation? A I never had any at all.
Q Is Lydia your child? A No sir, that's my mother-in-law, she was named Rebecca too, call her Becky for short.
Q Is Lydia your sister then? A Sister-in-law.
Q Was you along around then before the Kern-Clifton Commission?
A Yes sir.
Q Had you any sisters or brothers? A Yes sir, one sister living.
Q What was her name? A Lina Kirk was her father's name, Lina Wolf.
Q Did you apply to the Kern-Clifton Commission under the name of Rebecca Webber? A Yes sir.
Q Were you included in the application of Rebecca Webber, your mother-in-law? A No sir, she didn't have anything to do with me.
Q Had you a brother named Lewis, or a child? A No sir, that's my brother-in-law.
Q How old is your oldest child? A My oldest boy is about 24 or 5 years old.
Q Where was he born? A On Big Creek.

SAMUEL WEBBER, being sworn and examined by Com'r Needles, testified as follows:
Q Your name is Samuel Webber? A Yes sir.
Q Your age is? A 56.
Q Postoffice Nowata? A Nowata.
Q You know Rebecca Webber, the applicant? A Yes sir.
Q How long have you known her? A I got acquainted with her ever since the war.
Q You know whether she was a slave or not? A No sir, I couldn't tell you that.
Q You know her husband, Ellis Webber? A Yes sir, I know Ellis.
Q Is he living? A Yes sir.
Q Did you know her mother, Zilphy Holt? A Yes sir.
Q Was her mother a slave? A I couldn't tell you that.
Q Don't know? A No sir.
Q Where did you first see Zilphy Holt and Rebecca Webber after the war? A I saw them there at Big Creek.
Q What year? A In the fall of '66.
Q Big Creek in the Cherokee Nation? A Yes sir.
Q Did they return with you? A No sir, they came afterwards.

Applicant, BECKY WEBBER, re-called and further examined;
By Com'r Needles:
Q Is Ellis Webber living? A Yes sir.
Q Is his name on the roll of 1880? A No sir.

Witness, SAMUEL WEBBER, re-called and further examined by Mr. Davenport, Cherokee Rep've;
Q You wasn't acquainted with her family until after the war?
A No sir, time of the war.
Q You saw them at Ft.Scott? A Yes sir.
Q How many people come back with that crowd that come back in the latter part of '66? A There was several families in uncle Caesar Smith's family there that come along.
Q First you saw this girl and her family she was on Big Creek?
A Yes sir.
Q And that was sometime after you had come back the last time?
A Yes sir.
Q Do you remember whether it was before or after Christmas?
A It was before Christmas.
Q What makes you remember it was before Christmas? A We all had a little Christmas dinner Christmas there you know, we was together
Q Did you form a little camping ground? A No sir, we had little cabins around.
Q Were your cabins built during the summer? A Some of us had.
Q Some of you built during the summer? A Some of us had, but we had not finished them, we finished them that fall when we moved there.
Q How old was she then? A She was a small girl, not very large.
Q Where is Ellis Webber now, do you know? A There he stands right there (Pointing to a man).
Q When were she and Ellis Webber married? A I married that couple, but I can't tell you exactly, it has been 4 years ago I believe.
Q Do you know anything about this woman and her mother Zilphy Holt before the war? A No sir.

Applicant, BECKY WEBBER, recalled and further examined;
By Com'r Needles:
Q When were you married to Ellis Webber? A I couldn't tell you what year it was in.
Q Was you married when these children were born? A After some of them were born.
Q You know about how many years you were married? A I couldn't keep no count in my head, I aint got no learning.
Q It has been 15 years? A Nosir, I don't think it has been that long.
Q Been 10? A It has been about 12 years I guess, I couldn't tell you exactly.
Q Was Lonella born before you married? A Yes sir.
Q Was you ever married before you married Ellis Webber? A Yes sir, I was married to a man named Curry, state man.
Q Is Curry and Webber the only 2 husbands you had? A No sir, I had another man.
Q Before Curry? A Yes sir.
Q What was his name? A Anderson Johnson.
By Mr. Davenport:
Q Where did you marry Curry? A I never married him.
Q Where was you living when you took up with him? A On Big Creek.
Q Where was you living when you took up with Johnson, or married him? A On Big Creek.

EDMOND VANN, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Edmond Vann.
Q What is your age? A 58.

Q What is your postoffice? A Lenapah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Freedman? A Yes.
Q You know the applicant, Rebecca Webber? A Yes sir.
Q How long have you known her? A Before the war.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Bill Holt,
Q Was Bill Holt a Cherokee? A Yes sir.
Q What was her mother's name? A Zilphy Holt.
Q You know where Rebecca Holt and Zilphy Holt were during the warbetween the North and South? A No sir.
Q Where did you see the applicant the first time after the war?
A On Big Creek.
Q What year was that? A Cedar Creek where I saw them after the war, in '70.
Q In 1870? A Yes sir, '67.
Q You never saw the mother of this woman until 1870? A '67,when I saw them.
Q What part of '67? A In the spring.
Q You recollect whether it was in January, February or March?
A No sir, I don't, it has been so long I forget.
Q Have you known this woman Rebecca Webber since that time?
A Yes sir.
Q She always lived in the Cherokee Nation? A Yes sir.
Q You know her children? A Yes sir, I know some of them.
Q You know how many children she has got? A I guess I do.
Q How many? A There's Frank and, I can't hardly think of the childrens' names, I can't call their names, I know she has got a good many though.
Q You know her father? A Yes sir.
Q Was he a state man or a slave? A Slave.
Q How long had her father been dead? A Before the war.
Q You know then that Rebecca and her mother were slaves? A Yes sir.
Q Your testimony then is that you saw them in the Cherokee Nation about the spring of '67? A Yes sir, spring of '67.
Q You don't know what month in '67 it was? A No sir.

By Mr. Davenport:

Q Where did you live when the war broke out? A I lived at Polly Vann's place, 5 miles above Ft.Gibson. But I was raised at Webbers Falls.
Q Where were these peopleliving when the war broke out?
A At Webbers Falls.
Q How far did you live from them at that time? A About 5 miles below where they lived; they lived on one side of the river and me on the other.
Q Where did you go from there? A I come up to Gibson, and lived there 5 years.
Q How long before the war was that? A That was before the war.
Q How long before the war? A We lived up on Verdigris there 5 years.
Q Where were these people living before the war broke out? A On the Holt place.
Q You know that of your own knowledge? A Yes sir.
Q How long before the war broke out had you been down on the Holt place? A I was down every Christmas pretty near.
Q Where did you go when the war broke out? A I went south.
Q Where did the applicant's mother and her go? A I don't know sir.
Q Next time you saw them after you saw them at the Holt place was on Cedar Creek? A Yes sir.
Q And that was sometime in the spring of 1867? A Yes sir.
Q Who were they living with there on Cedar Creek? A Living where they are living now.
Q Anyone living around there? A Yes, sir, family living there, and

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whole lot of other people.

Q Was the applicant's name Webber at that time? A Yes sir.

Q Have any children? A Yes sir.

Q You remember their names? A Remember some of their names, I can't remember all of them.

Q What was the maiden name at that time? A Curry.

Q What were children's names? A Frank, Johnson, Rebecca.

Q Were all these children born up there when you saw her in '67?

A Yes sir.

Q Frank and Johnson and Rebecca were born then? A Yes sir.

Q How old was this applicant when you saw her last at her father's before the war broke out? A I can't tell you.

Q How old did she look?, couldn't you tell by size? A Couldn't tell.

Q Big enough to run around and do errands? A I guess she did, big enough to do something.

Q You think she was as much as 10 years of age? A I don't know sir I hate to say anything unless I know it, I want to tell the truth while I am talking.

Com'r Meadles: Rebecca Webber applies for the enrollment of herself and 3 children; she is not identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kern-Clifton roll; her 2 oldest children, Louella and Arthur, are identified upon the Kern-Clifton roll; she avers that she has a younger child, Mabel 8 years old, whose name does not appear upon any roll; she is duly identified and gives satisfactory proof as to residence; by reason of the fact that her name is not upon the authenticated roll of 1880 and the Kern-Clifton roll of the Cherokee Nation, said Rebecca Webber and her 3 children enumerated herein will now be listed for enrollment as Cherokee Freedmen on a doubtful card; it will be necessary for her to file satisfactory proof of birth for the younger child; she will be notified by mail of the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this July 8, 1901.

Signed, T. B. Needles,
Com'r.

Before M. D. Green, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the above is a true and correct copy thereof from the original.

Subscribed and sworn to and subscribed before me this the 20th day of August, 1901.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Rebecca Royal for enrollment as a Cherokee Freedman.

Rebecca Royal, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Rebecca Royal.
Q How old are you? A 18.
Q What is your post office address? A Centralia.
Q What district do you live in? A Cooweescoowee.
Q You want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Not anyone.
Q What is your father's name? A Ellis Webber.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Becky Webber.
Q Is she living? A Yes, sir.
Q Your father and mother either on the roll of 1880?
A No, sir, I don't think so.
Q You say you don't want to enroll anybody but yourself? A That is all.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir.
Q What roll? A Wallace roll I guess.
Q Has your father or mother been here before the Commissioner?
A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the parents of applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q You are married now? A No, sir.
Q Is your husband dead? A No, sir.
Q You are not living with him? A No, sir.
Q Have you got any children? A No, sir.
Q Did you always go by the name of Webber; who is there knows you?
A Lots of people knows me.
Q Got any witnesses? A Yes, sir, Edward Vann and Sam Webber.
Q Has your father been in? A Yes, sir.
Q Your mother been in? A Yes, sir, been in.
Q Did you draw what is known as the strip money? A Yes, sir.

The Kern-Clifton roll examined and the applicant identified thereon, page 140, No. 3471, as Rebecca Webber, Jr.

Q Have you got any sisters? A Yes, sir.
Q What are their names? A Bertha and Nellie, Lou and Mabel.
Q Bertha is older than Lou? A Yes, sir, oldest sister I have got.
Q Got a brother named Arthur? A Yes, sir.
Q Where were you born? A Cooweescoowee district.
Q Cherokee Nation? A Yes, sir.
Q You lived there all your life? A Yes, sir.
Q What is your husband's name? A Fred Royal.

Commissioner: Rebecca Royal applies for the enrollment of herself. She avers that she is the child of Ellis and Rebecca Webber. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but is identified upon the Kern-Clifton roll according to page and number of the roll as indicated. She claims her citizenship through her mother, Rebecca Webber, who is listed for enrollment on B card 853, and the testimony taken in said case will be made part of the record in the case at bar, and a copy thereof filed here-

COMMISSIONER OF THE EVENGELIZED TRIBES

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Acting Chairman

Rebecca Royal - 2.

with. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, and will be notified of the decision of the Commission when arrived at.

Witnesses

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th day of July, 1901.

Commissioner.

F.D. 873

Proof of service made
and original filed with the
DAWES COMMISSION.
OCT 3 1901

Proof of service made
and original filed with the
DAWES COMMISSION.

R

SEP 20 1901

NOTICE!

IN THE MATTER OF the application of Rebecca Royal for enrollment as Cherokee Freedmen:

Case No. F. D 873

To Rebecca Royal Centralia I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 26th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

Cher Fr D 874

Cher Fr D 874

File with Margaret Bell, S.F. D-674.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22d, 1901.

In the matter of the application of Ransom Daniels for the enrollment of himself, his sister and two brothers as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows;

Mellette & Smith attorneys for applicant;
W.W.Hastings and James Davenport attorneys for the Cherokee Nation.

By Com'r Needles:

Q What is your name? A Ransom Daniels.
Q What is your age? A 23.
Q What is your postoffice address? A Hayden.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to have enrolled besides yourself? A My sister and two brothers.
Q What is the name of your sister? A Maggie Daniels.
Q How old is she? A 20 years.
Q What are the names of your brothers? A Joe Daniels.
Q How old is he? A 18 years old.
Q What is the name of the other one? A Harry Daniels.
Q How old is he? A 17.

By Mr. Mellette:

Q Where do you live? A On Salt Creek.
Q Who was your father? A Harry Daniels.
Q What was your mother? A Adeline.
Q How old are you? A 23.
Q Where have you been living since you can remember? A Over here on Salt Creek.
Q Did you ever live out of the Cherokee Nation? A Not as I know of
Q Where were you born as far as you know? A In the Nation.
Q Cherokee Nation? A Yes sir.
Q Do you own a place of your own on the Public Domain of the Cherokee Nation? A Yes sir, I am on my father's place.
Q Since his death you are still on his place are you? A Yes sir.
Q Your father is dead isn't he? A Yes sir.
Q Where are these two brothers whose names you mentioned? A In the Nation.
Q Cherokee Nation? A Yes sir.
Q Have you some sisters who are married? A Yes sir.
Q What are their names? A Bell and Marguerite.
Q Is Maggie for whom you apply your full sister? A Yes sir.
Q Are you on the Kern Clifton roll? A Yes, sir.

By the Commission:

Q Are your parents living? A No sir they are both dead.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The names of none of the applicants can be identified on the census roll of 1890.

The Kern Clifton roll of the Cherokee Nation examined and the names of the applicants found thereon as follows:

Page 182 No. 4187, Ransom Daniels.
Page 182 No. 4184, Joseph Daniels.
Page 182, No. 4188, Harry Daniels, Jr.
Page 182, No. 4187, Harry Daniels.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 182 No. [illegible], Ransom Daniels.
Page 182 No. 5248, Maggie L. Daniels.

By the Commission:

Q Where have these two brothers lived all their lives? A In the

Cherokee Nation.

Q Were they born here in the Nation? A Yes sir.
Q This sister, is she a full sister of yours? A Yes sir.
Q How long has your father been dead? A Two years.
Q How long has your mother been dead? A I dont know.

By Davenport:

Q Do you know where your father was living when the war commenced?
A No, sir.
Q You dont know to whom he belonged? A No sir.
Q Do you know where Marguerite was born?, A No, sir.

ALLEN LYNCH, called and sworn as a witness for the applicant testified as follows:

By Mellette-

Q What is your name? A Allen Lynch.
Q How old are you? A 61.
Q What is your postoffice address? A Vinita.
Q Do you know the applicant here, Ransom Daniels? A Yes sir.
Q Did you know his father Harry? A Yes sir.
Q Was his father a slave in the Cherokee Nation before the war?
A Yes sir.
Q How long before the war did you know him? A Ever since I was a boy.
Q Do you know where he was during the war? A No sir.
Q Who was his master? A Jim or Bob Daniels.
Q Which one was it? A Lame Jim.
Q Where did they live? A On Nates Prairie.
Q In what Nation? A In the Cherokee Nation.
Q What district? A Delaware.
Q So he was a slave in the Cherokee Nation and of a Cherokee citizen at the beginning of the war? A Yes sir.
Q Do you know when he came back after the war? A No sir.
Q Did you ever know of him in the Cherokee Nation after the war?
A Yes sir.
Q Where? A On Lightning Creek.
Q How many years ago was that? A I cannot tell you that.
Q Did you know his wife Caroline? A No sir.
Q Have you known this boy? A Yes sir.
Q You know he is Harry Daniels child? A Yes sir, they claimed him to be.
Q You didn't know his mother? A No sir.

By Davenport:

Q You dont know of your own knowledge that Harry Daniels belonged to a Cherokee citizen when the war broke out do you? A I know they owned him before the war.
Q How long before the war did you know of him belonging to him a Cherokee citizen? A Daniels.
Q No I asked how long? A A year or two.
Q You didn't meet him then within a year or so before the war?
A No sir.
Q How far did you live from him when the war broke out? A About 20 miles, but before that he used to live close to him.
Q When did you move from Nates Prairie? A When I was a boy.
Q How long was that before the war? A About 20 years, but I seed this boys father and his whole often before that war.
Q When was the last time that you saw this boys reputed father and uncle before the war? A About a year.

By Mellette:

Q You did not see him during the war? A No sir he went south and I went north.

By the Commission:

Q You dont know when he came back after the war? A No sir.

LUSTER FORTMAN, called and sworn as a witness for the applicant testified as follows:

By Mr. Mallette:

Q What is your name? A Luster Fortman.

Q What is your postoffice address? A Vinita.

Q What is your age? A 80 or 90 years old.

Q Are you a recognized Cherokee freedman citizen of the Cherokee Nation? A Yes sir.

Q Do you know this boy, Ransom Daniels? A I am not acquainted with him.

Q Did you know Harry Daniels, his father? A Yes sir.

Q When did you know him? A I wasn't really acquainted with him, I meet him though in the spring of '66.

Q Where? A Fort Gibson.

Q You were there at the time? A Yes sir, I was residing there.

Q What was Harry Daniels doing there? A Come there to visit his brother.

Q Who was his brother? A Ransom.

Q You knew his brother? A Yes sir, we was together in the same regiment during the war.

Q Was Ransom Daniels, his brother, on the roll of 1880? A Yes sir.

By Mr. Mallette to the Commission - "We would like to have the roll of 1880 examined and see if Ransom Daniels, the alleged brother of this applicant's father is identified thereon."

By Mr. Hastings: "Shows how the representatives of the Cherokee Nation and protest against the encumbering of the encumbering of the record or the confusion of the same by the enrollment from the 1880 authenticated roll of Ransom Daniels, because it does not prove or tend to prove who Harry Daniels, the father of the applicant, belonged to at the beginning of the war, or when Harry Daniels returned to the Cherokee Nation after the war."

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's uncle identified thereon as follows:

Page 94 No. 966, Ransom Daniels, Goweescoowee district.

By Hastings:

Q You didn't know him before the war? A No sir.

Q Were you at Fort Gibson in '66? A Yes sir.

Q Was he there? A Yes sir came there to visit his father.

Q Who came there to visit his father? A His brother.

Q Did he have a wife with him? A I didn't see any.

Q Did he have any family with him? A No sir.

Q How many times did you see him? A I saw him at different times with his brother.

Q How long did you see him there? A I don't know how long, they came there to the camp where we and my stepfather was working.

Q What was you working at? A Blacksmithing, tried to, but it was too hot and too much for me.

Q What was that doing? A In '66.

Q What time of the year? A Spring.

Q Did you see [illegible] that morning? A Didn't see him any more for a long time, and he went up to this country here.

Q How long? A I don't know how long.

Q Was it a number of years after? A Yes sir.

Q You never did see this boy here? A No sir, not until I came up here to visit.

Q I thought you said a while ago that you didn't know this boy?

A I don't know him.

By Mallette:

Q Does you see this Harry Daniels in the country up there, was it the same one that you saw in Fort Gibson? A Yes sir, same one I saw

with his brother.

Q Was this boy here claimed by him as his son? A I dont know.

By the Commission:

Q You didn't work at the blacksmith trade very long did you? A No sir it warmed hard and teh hot and I found something easier to do.

JOHN LANDRUM called and sworn as a witness, testified as follows for the applicant-

By Mr. Mullette:

Q What is your name? A John Landrum.

Q Where do you live? A On Lightning Creek.

Q How old are you? A I am 50.

Q Are you a freedman citizen of the Cherokee Nation? A Yes sir.

Q Is your name on the roll of 1880? A Yes sir.

Q Do you know this applicant, Ransom Daniels? A Yes sir.

Q Who was his father? A Harry Daniels.

Q Who was his mother? A I did not know her.

Q How long have you known his father Harry Daniels? A I knowed him before the war.

Q To whom did he beleng then? A Jim Daniels.

Q Where did they live at that time? A This side of Battes Prairie, near Mayesville.

Q How far did you live from them? A About 10 miles.

Q Where did he go during the war? A I dont know where they went, they carried him south I guess.

Q When? A Before the war.

Q How long before the war? A Several years?, 3 or 4.

Q Where did they go to? A I dont know.

Q Did you see him here again after the war? A Yes sir.

Q When did you first see him after the war? A '87.

Q Where? A On Lightning Creek -- Oh I remember, Salt Creek, Salt creekk that is where I saw him.

Q Is Salt Creek close to Lightning Creek? A Yes sir.

Q How long did you know him after that? A He didn't stay there a great while, he went back.

Q Where to? A Fort Gibson is where he said he was going back to.

Q Where did he live at the time of his death? A Salt Creek.

Q How long did he live there before he died? A I didont know exactly, quite a while, from the time he moved his family there.

Q How many children did he have? A When he came there he had four.

Q Was this one? A Yes sir.

Q Do you know his wife's name? A No sir.

Q Did you ever see her? A No, sir.

Q Who was his wife when you know her? A Didn't have any wife, he was just a little boy when they carried him away before the war.

Q I mean when he died? A He was a single man then.

Q You said you knew him just before his death? A Yes sir.

Q Where was he living then? A On Salt Creek.

Q Who was he living with at that time? A With his brother Ransom.

Q Where were these children then? A With him there.

Q Who were the children? A This is one of them, the other is a girl, a young woman. Was her name is

Q Where is she now? A In there on Lightning Creek.

Q Do you know the names of the other two boys? A I know one of them.

Q What is his name? A Joe.

Q You don't know who the other children were? A No sir, Margarite was one of them.

Q None of them are married are they? A Margarite is.

Q Who is she married to? A Jackson.

Q George's? A Yes.

Q When you first saw Harry Daniels on Salt Creek this boy here was

born was he? A Yes, sir, he had him with him.

Q That was the first time that you ever saw him from '68? A Yes sir

Q This boy was then a child? A Yes sir a good big boy.

Q Do you know Martin Thompson at Goodies Bluff when you saw this boys father up there? A I think he was up there.

Q Did you see Cal Coker up there? A Yes sir.

Q And this boys father belonged to Jim Daniels before the war?

A Yes sir.

Q And they left here some years before the war? A Yes sir, 3 or 4 years before.

Q The father was taken away some 3 or 4 years before the war was he?

A Yes sir.

Q But you dont know where to? A No sir.

Q And you never saw him again until you saw him on Salt Creek?

A No sir.

By Hastings:

Q How far do you live from Salt Creek? A 4 miles.

HARRY STILL, called and sworn as a witness for the applicant, testified as follows-

By Mellette-

Q What is your name? A Harry Still.

Q Where do you live? A On Lightning Creek.

Q How old are you? A 54.

Q Do you know this applicant? A Yes sir.

Q Did you know his father? A Yes sir.

Q Who was he? A Harry Daniels.

Q When did you first see Harry Daniels after the war? A In '67.

Q Where? A At Ransom Daniels.

Q Who was he? A They were brothers.

Q Where did youseee him then? A On Salt Creek.

Q Was Harry Daniels married at that time? A I dont know sir.

Q Did you know this applicants mother? A No sir, I knowed the children, I went up and got the children and him.

Q Where did you go for them? A Cosby Beans on Four Mile Branch.

Q You went there for them did you? A Yes sir they was all little children and had no mother then and I moved them there on Salt Creek.

Q They was all born then? A Yes sir, all born, Joe, Mag, Marguerite and this one -- the first time I seed Harry was in '68 instead of '67, I went up to his brothers Ransom Daniels and he said that he wanted me to move his brother Henry, and he let me have a team and I found them there at Cosby Beans, and I found Henry there with four children that he had with him, I dont know where they were born or who their mother was.

Q Where is his mother now? A They are both dead, Ransom and Harry are both dead.

By Davenport-

Q This boy was born at the time? A Yes sir.

Mellette:

Q The first time you saw this boys father was at Cosby Beans?

A No sir since I come to think of it, I seed him once before at his brother Ransoms before that theme.

By Hastings:

Q How many years intervened from the time you first saw Harry at his brothers until you moved him and these children? A 7, 8, or 10 years, I don't know.

By Com'r Beedie- Ransom Daniels applies for himself, his sister Maggie, 20 years of age, his brother Joe, 18 years of age and his brother Harry 17 years of age. Said Ransom Daniels is not identified on the authenticated roll or list; he and his sister Maggie are identified on the Wallace roll. They are all identified on the Kern Clifton roll. We aver and prove that

F. D 674

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
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they are the children of Harry Daniels a slave. He avers that their mother was named Caroline. The father and mother are both dead. The brothers and sisters for whom he applies are both living. No proof as to the citizenship of the mother of Harry Daniels, the father of applicants, is presented, neither is there any proof as to the marriage of the said Harry and Caroline Daniels. Proof is presented that Harry Daniels was a slave of a Cherokee citizen. They are all identified and make satisfactory proof as to residence, consequently the said applicant, Ransom Daniels, his sister Maggie and his two brothers Joe and Harry Daniels will be listed for enrollment as Cherokee freedmen on a doubtful card, and they will be notified as to the final decision of the Commission, by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise,

Subscribed and sworn to before me this the 2nd day of July, 1901, at Nowata, I. T.

Signed, T. B. Needles,
commissioner.

* * * * * * * * * * * * * * * *

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he ~~[illegible]~~ ~~[illegible]~~ copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 31st of July, 1901.

M. D. Green
Notary Public

~~[illegible]~~

File with Margaret Bell, C.F. D-674.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 26, 1901.

In the matter of the application of Ransom Daniels for enrollment as a Cherokee Freedman.

Supplemental testimony.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Peter Williams, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Peter Williams.
Q How old are you? A I can't tell you.
Q About 100? A About 80, maybe older than that; I can't tell you
Q Do you know Ransome Daniels? A Yes, sir, I have seen him.
Q Did you know his father, Harry Daniels? A Yes, sir; Harry, I didn't know his father.
Q Do you know this man Bell sits over here by you? A I have seen him a time or two at my shop.
Q Do you know his wife? A No, sir, I don't know his wife.
Q Well, do you know when Harry Daniels came back to the Cherokee Nation? A That is when I saw him.
Q Where did you see him? A At Fort Gibson.
Q Did you know him before the war? A No, I didn't know him before the war.
Q Don't know who he belonged to? A No, sir, only I saw him he was in pursuit of his brother; he came by my shop, in there, and knocked around there a few days, he was around hunting for him, I knew who it was.
Mr. Hastings: Did you ever see him after that? A No, sir, I didn't, he passe away; you see my work kept my close attention.
Q You never saw him before or never saw him since? A No, sir, not until now.
Q You see him now? A Yes, sir.
Q When did you see him? A Been since this court has been sitting.
Q Since we were at Chelsea? A Yes, sir.
Q That was Harry Daniels? A Yes, that is where I saw him.
Q At Chelsea? A Yes, sir.
Q Two or three weeks ago? A Yes, sir.
Q And you never saw him from that time up until this? A No, sir, I never paid no attention, my work generally claimed attention for me
Q Were you running a blacksmith shop? A Yes, sir.
Q When did you commence running it? A A number of years before the war.
Q Uncle Peter, what year is this? A Well, I can't tell you.
Q What year was it that the Kern-Clifton Commission sat? A I never noticed that.
Q What year was it the Wallace Court sat? A Neither did I notice that.
Q [illegible] don't know much about dates, do you? A No, sir.
Q Was this man Harry Daniels married at that time? A I don't know whether he was or not, I just saw him pass there and he stopped there and looked at my working and would go on.
Q Now you recognized that Harry Daniels ever here the other day when you saw him at Chelsea? A Yes, sir.
Q That was this last two or three weeks ago, when we were over there? A I don't know how long ago, but I recognized him when I saw him.
Q It was when this same Commission was sitting over there?

A Yes, sir, this same Commission.
Mr. Smith: Who are you talking about seeing over there at Chelsea?
A That man, Harry Daniels, this man that I am witnessing for.
Q Is he here to-day? A I don't know whether he is here to-day or not.
Q You are talking about Ransome, aren't you? A Yes, sir.
Q You are talking about Harry? A Harry is the man.
Q That is his father? A Yes, sir.
Q Well he is dead? A I guess he is dead.
Q Been dead a good while? A I guess he is dead, I haven't seen him for quite a while.
Q When you were talking about seeing Daniels at Chelsea, you were talking about Ransome? A Ransome.
Q Do you know when Harry died? A No, sir, I dont, I can't tell about that.
Mr. Hastings: Did you see Ransome at Fort Gibson in '66?
A It was in '66 when he passed through there, and I saw him.
Q What was Ransome? A Yes, I reckon he was the man.

BURRELL DANIELS, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: What is your name? A Burrell Daniels.
Q Do you know Harry Daniels, did you know him in his life time?
A I knew Harry Daniels, belonged to the same man that I belonged to, he belonged to that man's brother, Jim Daniels: I belonged to Bob Daniels and he belonged to Jim.
Q Was Jim Daniels a Cherokee Indian? A Yes, sir.
Q Do you know Ransome Daniels? A Yes, sir.
Q What kin is he to Harry? A Brother of Harry Daniels.
Q Now what Daniels were they that belonged to this man that you are speaking of, there was Harry and who else? A Harry and Ransome.
Q You say that Ransome and Harry were that kin? A Brothers.
Q Which Ransome? A Ransome Daniels.
Q Is there more than one Ransome Daniels? A I don't know but one.
Q How old a man was he? A Well, he wasn't quite as old a man as I am, he is older than Harry.
Q Do you know whether Harry had a son named Ransome or not?
A No, sir, I don't know.
Q You don't know whether a young man named Ransome Daniels? A No sir I don't know Ransome; the last time I saw Ransome was while the war was going on, he was a young man.
Q He was older than Harry? A Ransome; he was older than Harry.
Commissioner: Was Ransome Daniels a slave? A Yes, sir, a slave of the same people.
Q You knew Harry Daniels? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Jim Daniels; first belonged to the old lady.
A You know where he went during the war? A When I left him, I left him there when I went off.
Q What year? A The last time I saw him was when Watie and Cooper's guerrilla was there.
Q That was during the war? A Yes, sir.
Q You don't know whether he went away or not? A No, sir.
Q You didn't know his wife Adaline? A No, sir, I don't know his wife.
Mr. Hastings: Where was Harry Daniels living when the war came on?
A Living about seven or eight miles this side of Maysville, at old Mary Daniels, the woman that raised him.

Q With Jim Daniels? A Yes, sir.
Q You know that of your own personal knowledge? A Yes, that is where they were living when I last saw them.
Q How long was that before the war? A How long before the war?
Q Yes, that you actually saw them yourself? A I saw him while the war was going on.
Q At Jim Daniels? A Saw him at Jim Daniels.
Q Was Jim Daniels there at that time? A He was there at that time.
Q Living? A Yes, sir.
Q Did Jim Daniels have a wife and family? A Had no wife, his wife died before the war.
Q That Jim Daniels was there living himself the last time you saw Harry before the war, and that was just after the war had started up?
A Yes, s r, after the war started up I saw him.
Q And about seven miles from Maysville on this side of the line in the Cherokee Nation? A Yes, sir, on Beattie's Creek.
Commissioner: That was during the war, was it? A Yes, sir, I saw him there during the war.

JESSE ROWE, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Jesse Rowe.
Q How old are you? A About 55; I don't know just exactly how old I am.
Q Did you ever know a man named Harry Daniels? A Yes, sir, I have known him.
Q Do you know his son Ransome? A Yes, sir, I have been acquainted with him.
Q When did you first know Harry Daniels? A I got acquainted with him since the war, somewhere about '68 or '70, I disremember.
Mr. Hastings: Who was that, Harry? A Yes, sir, Harry.
Commissioner: Father of Ransome? A Yes, sir.
Mr. Smith: Do you know when Harry Daniels came back to the Cherokee Nation after the war? A No, sir.
Q Do you know who he belonged to? A No, sir, I don't.
Commissioner: Did you know Adaline, Harry's wife? A Yes, sir.
Q Who was she? A Before she married Harry, she was a Green.
Q Was she a slave? A Yes, sir.
Q Do you know whether Harry and Adaline were ever married? A Yes, sir, they were married.
Q How do you know that? A I saw them when they got married.
Q When was that? A Along in seventy some time, to my best recollection.
Q They lived together until the death of Harry Daniels, do you know?
Q I know they did some, I don't know that to be a fact.
Q And Adaline she is dead also? A Yes, sir.
Q Do you know their children? A I have got acquainted with them since I came to this country, I don't know them long back, all the long years ago.
Q That after you said you saw them married? A Yes, sir, I saw them married, but not the children, I knew the wife a long time before she married.
Q Do you know what children Harry and Adaline had? A No, sir, I don't.
Q You know Harry Daniels and Adaline were married? A Yes, sir.
Mr. Hastings: Where were they married? A Texas.
Q What county? A Smith county, to my best recollection.
Q Was she a slave? A I suppose she was, she was raised in Louisiana I think.

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DEPARTMENT OF THE INTERIOR
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ACTING COMMISSIONER

Q You knew Harry Daniels? A Yes, sir.
Q How long did you know him before he was married? A Not a great while.
Q About how many years? A Well, I don't recollect just how many years.
Q Three or four? A I think it was.
Q Your best judgment? A He came out there in time of the war in Texas and I don't think I saw him until about '70.
Q About what year do you think he was married? A Along somewhere about that time I got acquainted with him, when he was married.
Q How long did you know him after he was married there in Texas? A [illegible] how long I saw him, or something of that kind?
Q Yes? A I can't tell you just how long them, he left me, we were scattered about there, I don't remember.
Q Do you know where Fanny was born? A No, sir.
Q Know where any of his children were born? A No, sir.
Q About how long did you see him in Texas altogether either before or after he was married? A I can't give any definite answer to that, I might have seen him two months or six months or something of that kind, we were strangers to each other, when I met him it was down to meetings and I never paid any attention to him or his whereabouts etc.

Mr. Hastings: Comes now the representatives of the Choctaw Nation and moves the Commission to require the applicant to furnish documental proof of the marriage, inasmuch as it now develops that they were married in the State of Texas, where a record of the same was made, which is the best testimony.

Commissioner: I think that was the order [illegible] was here; that is my recollection [illegible]

Commissioner: This will be filed in the case of [illegible] Daniels, R-619.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 31st of July, 1901.

M. D. Green
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application for the enrollment of Margaret Bell and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants:
W. W. Hastings, of counsel for Cherokee Nation.

George Bell, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George Bell.
Q How old are you? A About 41; I want to enroll my wife.
Q What is your post office? A Hayden.
Q What district do you live in? A Coowescoowee.
Q Who do you want to enroll? A My wife and children.
Q What is your wife's name? A Margaret Bell.
Q How old is she? A She is about 27.
Q What is her father's name? A Harry Daniels.
Q What is her mother's name? A Her mother was named, so they say, Adaline, I never saw her mother.
Q Is your wife's name on the roll of 1880? A No, sir.
Q Who do you claim citizenship through for her? A Her father.
Q Has her father been listed for enrollment? A Yes, sir, he enlisted here the other day, but there was some more witnesses they wanted to produce to-day.
Q In his case? A Yes, sir, in his case.
Q Is Harry Daniels here himself? A No, sir, he is dead.
Q What case was that? A It was her brother put the case in, Ransome Daniels; he isn't here.
Q Why isn't he here, if he wants more testimony to put in why isn't he here to attent to it? A Well, his lawyer said to put it in when I want to enroll my wife.
Q Your wife's name Margaret? A Yes, sir.
Q Did she have a sister named Maggie? A Yes, sir.
Q Now give me the names of your children? A The oldest one is named Beatrice.
Q How old is she? A 7 years old.
Q The next one? A Ord 6.
Q How old is he? A He is 5 years old.
Q The next one? A George.
Q How old is he? A He is 3 years old.
Q The next one? A Beulah.
Q How old is Beulah? A She is about 5 months old.
Q Are you a non citizen? A Why a citizen.
Q Have you applied for yourself? A Yes, sir.
Q You have already been enrolled, have you? A Yes, sir.
Q Now you desire to enroll your wife? A Yes, sir, I desire to enroll the children with me if I can, on my card.
Q You and your wife are not living together? A Yes, sir, we are living together.
Q Are these children living at this time? A Yes, sir.
Q They are all the children of your wife Margaret? A Yes, sir.
Q Born in the Cherokee Nation? A Yes, sir.
Q Always lived in the Cherokee Nation? A Yes, sir.
Mr. Hastings: Were you ever married before you married her? A No, sir.
Q She ever married before she married you? A No, sir.
Commissioner: Did your wife draw what is known as the Kern-Clifton money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedman examined and the applicant not identified thereon.

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ACTING CHAIRMAN

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined the applicant, Margaret Bell, identified thereon, page 188, No. 4491, district not given, as Margaret Daniels.

Q Did you draw for these children? A No, sir.

Commissioner: George Bell applies for the enrollment of his wife, Margaret Bell. He avers that she is the child of of Harry and Adaline Daniels, and that she is a Cherokee citizen. He avers that by said marriage he has four children, Beatrice, Ord O., George D., and Beulah, whose names are not found upon any of the rolls of the Cherokee Nation. The name of his wife Margaret, nee Daniels, cannot be identified upon any of the rolls of the Cherokee Nation except the Kern-Clifton roll, and she is duly identified upon said roll. Satisfactory proof is made of her residence, consequently Margaret Bell and her children, Beatrice, Ord O., George D., and Beulah, will be now listed for enrollment as Cherokee Freedmen on a doubtful card. In this connection, reference is made to the testimony in the matter of the application of the of Ransome Daniels, brother of the applicant, who is listed for enrollment on D card 812, and the testimony taken and all supplemental testimony taken in the matter of the enrollment of Ransome Daniels will be made part of the record in the case at bar, and a copy thereof filed herewith.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of July, 1901.

Commissioner.

File with Margaret Bell C.F. D-874.

Supl.C.F.D-#812

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Ransom Daniels, et al., as Cherokee Freedmen, introduced on behalfof the Cherokee Nation.

APPEARANCES:
Mr. Smith, of counsel for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

SARAH MUNDIS, being duly sworn by Commissioner Breckinridge testified as follows on part of the Cherokee Nation:

MR.DAVENPORT: What is your name? A Sarah Mundis.
Q Where do you live, Mrs. Mundis? A On Salt creek.
Q What is your post office? A Coodys Bluff.
Q How old are you? A 29.
Q Howlong have you lived on Salt creek? A All my life.
Q That is in the Cherokee Nation is it? A Yes, sir.
Q Do you know the applicant here, Ransom Daniels? A Yes, sir.
Q He is what is known as young Ransom Daniels? A Yes, sir.
Q Did you know the old gentlement of the name of Ransom Daniels? A Yes, sir.
Q Is he dead or alive? A He is dead.
Q Did you ever know a man out there by the name of Harry Daniels who was the father of this applicant, Ransom Daniels? A Yes, sir.
Q Did you ever work for the old man Ransom Daniels? A Yes, sir.
Q About how long ago was that? A That has been about 12 years I guess.
Q While you was working for him did you have any conversation with him with reference to his brother, Harry Daniels? A Yes, sir.
Q Did you write any letters for him to his brother? A Yes, sir.
Q Where were these letters sent? A

Mr. Smith: I object to that; the letters themselves would be the best evidence.

Q After you had written the letters did you keep them in your possession or were they mailedout? A They were mailed out.
Q To what country were the letters mailed?

Mr.Smith: I object because the testimony of the witness would not be the best evidence and the means for obtaining the best evidence in the case hasnot been exhausted, and has not been attempted to be exhausted.

Commissioner: Note the objection and let the examination go on so the Commission can deny or accept the evidence as it likes.

Q To whom were the letters addressed? A Harry Daniels.
Q What state or country were they addressed? A Texas.
Q Did you have any conversation with the old gentleman when you were writing these letter, or what did he request you to do in the letters?

Mr.Smith: I object to that, if the Court please, because it is not competent.

Q Go ahead, Mrs. Mundis, and state what was said in the letters?
A Well, just simply told me to tell his brother to come to this country and see to the rights; the Wallace Court was going on in Vinita and that he must come at once.
Q Had you, before these letters were written, seen Harry Daniels, the brother of old man Ransom? A No, sir.
Q Well, did you afterwards see him? A Yes, sir.
Q How long afterwards? A Oh, it was a year, about a year after I wrote the letter I seen him.
Q Where did you see him? A I seen him on Salt creek, right there where I live at old man Ransom Daniels'.
Q Did he afterwards move his family out there or any part of it?

A Yes, sir.
Q How many children did he bring up here with him, do you know?
A He brought four.
Q What were there names? A Margaret, Maggie, Ransom and Joe.
Q Do you know which were the older of the children? A Margaret was the oldest.
Q Who was next? A Ransom I guess.
Q Well, now where did theylive when they first came on Salt creek?
A At old man Ransom Daniel's.
Q How far was that from where you lived? A About a mile and a quarter.
Q About how long did they live up there before old man, Harry Daniels died, the father of these children? A Oh, about nine years maybe, or more.
Q Well, do you know whether or not they ever brought a child up there by the name of Harry, a brother to them? A No, sir.
Q Did you have any conversation with them as to whether or not they had such a brother? A I heard them say they left a brother in Texas.

Mr. Smith: I object to that because it is not shown in the record as to who the witness is talking about; she was asked the question if you heard any of them say and she is saying she heard them.

Q Did you ever hear Ransom Daniels, Margaret, Maggie, or Joe, or either their father Harry say anything about a child of the father by the name of Harry, and a brother to the parties named being here with them? A Why I have heard Margaret, the oldest girl, say she had a little brother left back in Texas.
Q Well, have you ever seen this Harry around this place there?
A No, sir.
Q You have lived about a mile of them you say? A Yes, sir, I have lived there all my life.

MR.SMITH: How old are you? A 29.
Q What race do you belong to? A Belong to the colored race.
Q Are you a Freedman citizen? A Yes, sir.
Q Are you an acknowledged Freedman citizen? A Yes, sir.
Q Are you on the 1880 roll? A Yes, sir.
Q How old are you you say? A 29.
Q How long have you lived in the country you now live? A 29 years.
Q Who was your mother? A Sarah Whitmire.
Q Who was your father? A Aaron Whitmire.
Q Who is your husband? A J.C.Mundis.
Q When did you write this letter you are talking about? A 1889.
Q What month? A October.
Q On what day? A I don't know that.
Q October, '89? A Yes, sir.
Q Where were you living then? A I was living at my father's on Salt creek.
Q Where was Ransom Daniels living? A Oh, just lived a mile and a quarter below my father, south.
Q How many letters did you write for him? A Just one.
Q Did he come to your house or did you go to his house?A I was at his house.
Q What were you doing there? A I was cooking a little.
Q How long had you been cooking a little? A I jest cooked three weeks.
Q Were you married then? A No, sir.
Q When were you married? A I married in '94.
Q Had you ever been married but once? A That is all.
Q It was in October, '89, you say that you wrote these letters?
A Yes, sir.
Q How do you know that? A Because I recollect it.
Q You just remember it? A Yes, sir.
Q And you wrote the one letter? A Yes, sir.
Q If you wrote the one letter for one person can you remember for ten years, 15 years, just exactly the month it was in? A Yes, sir.

Q You think you wrote a letter for anybody to-day you would remember 15 years from now? A Yes, sir, just one.
Q You are pretty good on dates are you? A I don't know about that; I remember that all rightnow.
Q In the month of October?A Yes, sir.
Q 1889? A Yes, sir.
Q Is it impossible to be mistaken about that? A No, sir.
Q There is nothing at all to fix that in your memory except that you just wrote this one letter for him? A That is all I wrote.
Q Well, Ransom Daniels is dead now is he? A Yes, sir; the old man is.
Q Harry is too? A Yes, sir.
Q The man you wrote the letter for is dead? A Yes, sir.
Q The man you wrote the letter to is dead? A Yes, sir.
Q Anybody ever see that letter?A No, sir.
Q How far did you live from this applicant? A I live about two miles now; I have moved from my father's.
Q You and your husband live about two miles from them?
A Yes, sir.
Q Ransom got a pretty good place there? A Yes sir.
Q Have you and your husband been trying to get that? A No, sir.
Q Now, isn't it a fact that you are trying to see him loose his citizenship for you and your husband to get that place? A No, sir, not a bit of it.
Q That is not true? A I wouldn't have it.
Q Nobody in the world knows anything about that letter except you?
A Nobody only what they have heard me say; the old man could not read or write then.

MR.DAVENPORT: You don't know what Harry did with it? A No, sir.
Q The only thing you know you wrote the letter? A Yes, sir.
Q And after that Harry came to this country? A Yes, sir.

MR.SMITH: Do you know how long Harry Daniels lived in the Cherokee Nation? A I guess-
Q I don't want you to guess? A Nine years, he has been dead about three years.
Q He never did live here until he came up that time? A I never did see him there.
Q He never lived in your neighborhood or country? A No, sir.
Q He never lived anywhere on Salt creek? A He bought him a place after he came here.
Q After the Wallace court? A After he came to his brothers after 1889, it has been that long since he bought his place.
Q Did he live thereon Salt Creek or Lightning creek until after 1889? A I never seen him.
Q Well, now, if he had been living before the time you speak about on Salt creek or on Lightning creek in there, one of these communities there with colored people, you think you would have seen him?
A I think I would.
Q Well, was he there or not? A He was not there until '89, after that.

M. DANIELS; being duly sworn by Commissioner Breckinbridge, testified as follows on part of the Cherokee Nation:

MR.DAVENPORT: What is your name? A M. Daniels.
Q Where do you live? A Vinita.
Q How old are you? A 57 yearsold.
Q Where were you raised? A I was raised near Mayesville in the Cherokee Nation; Mayesville is on the state line.
Q Did you know Ransom Daniels, an old man, and Harry Daniels?
A Yes, sir.
Q How long have you known them? A I have known them ever since I could remember, up until three or four years before the war.
Q Where was Harry when the war broke out, do you know?
A I don't know where he was.

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Supl. C.F. D #812, 4:-

Q Was he at what was known as Jim Daniels place on Beaty's prairie?
A No, sir.
Q Did you know what became of him? A No, sir, I don't know no more than what was the talk of the family there, my father's folks, they claimed Jim had sold-

Mr.Smith: If the court please, the applicant objects to the evidence or answer of the witness just given for the reason that it appears to be hearsay and not within any rule in regard to the admission of hearsay testimony.

Q Is Jim Daniels living now? A No, sir.
Q Is your father living? A No, sir.
Q Well, did you leave the country during the war? A I left there during the war, left there the fall of '62, 1862.
Q When did you get back? A I came back the fall of '66.
Q What part did you locate after you came back? A I first came to the old neighborhood of Beaty's prairie where I was raised and stayed there a while and I locatedon this river south of town here, I located here in '67.
Q When did you first see old man Ransom Daniels after the war?
A I saw him about 20 years ago I guess the first time I ever seen him, somewheres about '80 or '81.
Q Where did he say he was living? A He said he was living out here on Salt creek or Lightning Creek.
Q You knew himpretty well from that time on? A Yes, sir.
Q Were you ever at his house? A No, sir.
Q When did you see Harry Daniels after the war, if at all?
A I saw him about 1892 or '93, was the first time I saw him after the war.
Q Where did you see him? A Here in Vinita.
Q Did you have any conversation with him? A I had some talk with him.
Q Anything about as to where he had been living? A No, sir.
Q Did he tell you where he was living at that time? A He said he was out at his brother's, out at old Rance's.
Q The first time you saw him was the early part of the 90s?
A Yes, sir.

MR.SMITH: How many slaves did your family have? A There was five slaves there on the place.
Q Did your father and uncle live on the same place?
A No, sir, they were about a mile apart.
Q How many did your father have? A He had none.

Commissioner: Copiesof this testimony will be filed in Cherokee Freedman case D 812, entitled Sanson Daniels, et al, and also in Cherokee Freedmen case doubtful #874.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Rosson

Subscribed and sworn to before me this October 31st, 1901.

(signed)T.B.Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of same.

M.D.Green

Subscribed and sworn to before me this December 11,1901.

Commissioner.

F. D. 812
To be filed in F. D. 874

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. May 23, 1902.

In the matter of the application of Ransom Daniels for the enrollment of himself, brothers and sisters as Cherokee Freedmen.

SUPPLEMENTAL TO D - 812

Applicants represented by Mellette & Smith.
Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representatives, makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would, on the 23rd day of May 1902, at the office of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Ransom Daniels et al to enrollment as Cherokee Freedmen. The applicant and his attorneys fail to appear.

EZEKIEL BECK, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Ezekiel Beck.
Q What's your age, Mr. Beck? A 66
Q Are you a Cherokee citizen by blood? A Yes sir.
Q What's your postoffice? A Kansas, Indian Territory, Delaware District.
Q Where did you live before the war? A I lived in the neighborhood of Kansas, Beattie's Prairie.
Q In Delaware District? A Yes sir, Delaware District.
Q Cherokee Nation? A Yes sir.
Q Did you know a Cherokee who lived near Beattie's prairie by the name of James Daniels? A Yes, sir.
Q Was he any relation to you? A Yes sir.
Q How long did you know him before the war? A Before the war, well I have known him ever since I can remember.
Q Was he lame? A Yes sir, he was a lame fellow.
Q You knew him a number of years before the war? A Yes sir.
Q Where was he living say for four or five years before the war? A He was living with my father.
Q With your father? A Yes sir, and me together.
Q And you together? A Yes sir he made each place his home.
Q You knew him very well then? A Yes sir.
Q You knew his business transactions at that time? A His business
Q Yes sir. A He did'nt have no business much.
Q Did'nt? A No sir.
Q Well I will ask you if he had any slaves at that time? A No sir
Q Did he have any slaves before the war came up? A No.
Q Did he have any slaves freed, that were his while they were belonging to him? A He had one gentlemen.
Q At the time the slaves were freed did he have any? A Oh, No, he had many one then.
Q Now you can tell anything you want to about that old gentleman.
A After the old man Daniel's wife died he had an old darky who was willed to him from his father, and he give him his freedom.
Q How long was that before the war? A Oh, that was ten or fifteen years before the war.
Q Ten or fifteen years? A Yes sir.
Q Did he have any colored people when the war came up? A No, sir.
Q You are positive of that? A Well, yes, sir, I am positive of that.
Q Did he have a colored man by the name of Harry when the war came up? A No sir.

Q You say Jim Landrum was making his home with you and your father?
A I knew Jim Daniels.
COMMISSION: You say he didn't own any slaves at all at the outbreak of the war, did he? A No sir.
Q How long before the war was it before this old colored man was liberated? A Before the war.
Q Yes sir. A Must have been ten or twelve years before the war.
Q What was that old man's name? A Ben.
Q Ben Daniels? A Yes, sir.
Q Was this James Daniels a citizen of the Cherokee Nation? A Yes sir.
Q How was he related to you? A His mother and my grand-mother were sisters.
MR. HASTINGS: Did he have any property at all at that time, Jim Daniels? A None at all whatever.
COMMISSION: How old a man was he? A Well now he was some older than I was, and I am 66. I am in my 67th year now.
MR. HASTINGS: How old was this old colored man before the war that you speak of, that you give his freedom, before the war, at the time he gave him his freedom? A Must have been 70 or 75, he was nearly helpless.
Q Nearly helpless? A Yes sir.
Q Was this James Landrum married at the outbreak of the war?
A James Daniels?
Q James Daniels? A No sir, he was a single man.
Q Was he ever married? A Yes sir.
Q Before or after the war? A Way before the war.
Q His wife had died before the war? A His wife had died, had no heirs.

COMMISSION: This testimony will be filed in the case of Margaret Bell et al, B 874, represented by Mellette & Smith

[redacted] states that as stenographer [redacted] correct transcript of his stenographic notes thereof.

Arthur Cronimger.

Subscribed and sworn to before me this 2nd day of July, 1902.

(S E A L)

P. G. Reuter.

Ella Nielens, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy, and that the same is a true and correct copy of the original transcript.

Ella Nielens

Subscribed and sworn to before me this 19th day of July 1902.

Notary Public

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Margaret Neal, 874

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

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Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
D-812--874.

Muskogee, Indian Territory, February 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated December 12, 1904, rejecting the applications for the enrollment of Ransom, Harry, Maggie, and Joseph Daniels; and Margaret, Beatrice, Ord O., George D., and Beulah Bell, as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 13, 1905.

Respectfully,

Tams Bixby
Chairman.

Cher Fr D 875

Cher Fr D 875

File with Cherokee Freedman D-875, Frank Johnson

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 25, 1901.

In the matter of the application of Becky Webber for the enrollment of herself and 3 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Becky Webber.
Q How old are you? A 46 or 7 years old I guess, I don't know.
Q What is your postoffice? A Centralia.
Q What district do you live in? A Cooweescoowee.
Q You apply to enroll as a Cherokee Freedman? A Yes sir.
Q Who besides yourself? A 3 children.
Q Give me the names of your children? A Louella Webber.
Q How old is Louella? A 16 years old.
Q Next one? A Arthur Webber.
Q How old is Arthur? A 13.
Q Next one? A Mabel Webber.
Q How old is Mabel? A 6 years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ellis Webber.
Q Is he a citizen? A Yes sir.
Q Has he been enrolled? A No sir.
Q Why don't he enroll with you? A I don't know sir.
Q Is your name on the roll of 1880? A No sir.
Q What is your father's name? A Frank Crossland.
Q What is your mother's name? A Zilphy Holt.
Q Frank Crossland living? A No sir.
Q Zilphy Holt living? A No sir.
Q You say your name is not on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir, I drawed the Wallace money and Clifton and Kern money.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on
Page 140 #3467 Rebecca Webber, Cooweescoowee District.
Page 140 #3472 Lou Webber, Cooweescoowee District;
Page 140 #3473 Arthur Webber, Cooweescoowee District.

Q Your father is not living? A No sir.
Q Nor your mother? A No sir.
Q Where were you born? A At Webbers Falls.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Bill Holt.
Q Was he a Cherokee? A I guess so, His woman was, I don't know, I was small.
Q Was you taken out of the Cherokee Nation during the war, and your mother? A Yes sir.
Q Where to? A Ft. Scott.
Q When did you come back? A '66.
Q Been living here ever since? A Yes sir.
Q Are these children all living? A Yes sir.
Q Were they born in the Cherokee Nation? A Yes sir.
Q Always lived in the Cherokee Nation? A Yes sir.
Q You say you have lived in the Cherokee Nation continuously since 1866? A Yes sir.
Q How long has your mother been dead? A About 22 years.
Q You know why your name is not on the roll of 1880? A No sir, I do not.
Q Was your father a slave? A Yes sir.
Q Did he die before the war? A Yes sir.
Q Do you know to whom you belonged before the war? A Bill Holt.

Q You didn't claim you belonged to Bill Holt at the Kern-Clifton Commission? A No sir.
Q Didn't you claim you belonged to Robin Webber? A No sir.
Q Where was Bill Holt living when the war broke out? A At Webbers Falls.
Q You went to Kansas during the war did you? A Yes sir.
Q What point? A Ft. Scott.
Q How long did you stay at Ft.Scott? A I was 6 years old when I went there, and they said I was 8 when I come back here, I don't know.
Q Who did you go with to Ft.Scott? A My mother.
Q Anyone else? A I don't know.
Q What is your mother's first name? A Zilphy Holt.
Q Who did you come back to the Cherokee Nation with?
A My uncle, Caesar Smith, Mose Smith, and Joe Smith and George Meigs, and Sam Webber, and I don't know who all, there was a whole lot of us.
Q How old was you when the war broke out did you say? A I said I was 6 years old.
Q Where have you been living since you came back? A I lived on Big Creek a while and on Cedar Creek.
Q Have you lived anywhere else except the Cherokee Nation? A No sir.
Q Resided continuously in the Cherokee Nation? A Yes sir.
Q How many children had you when you returned to the Cherokee Nation? A I never had any at all.
Q Is Lydia your child? A No sir, that's my mother-in-law, she was named Rebecca too, call her Becky for short.
Q Is Lydia your sister then? A Sister-in-law.
Q Was you along around then before the Kern-Clifton Commission?
A Yes sir.
Q Had you any sisters or brothers? A Yes sir, one sister living.
Q What was her name? A Line Kirk was her father's name, Lina Wolf.
Q Did you apply to the Kern-Clifton Commission under the name of Rebecca Webber? A Yes sir.
Q Were you included in the application of Rebecca Webber, your mother-in-law? A No sir, she didn't have anything to do with me.
Q Had you a brother named Lewis, or a child? A No sir, that's my brother-in-law.
Q How old is your oldest child? A My oldest boy is about 24 or 5 years old.
Q Where was he born? A On Big Creek.

SAMUEL WEBBER, being sworn and examined by Com'r Needles, testified as follows:
Q Your name is Samuel Webber? A Yes sir.
Q Your age is? A 56.
Q Postoffice Nowata? A Nowata.
Q You know Rebecca Webber, the applicant? A Yes sir.
Q How long have you known her? A I got acquainted with her ever since the war.
Q You know whether she was a slave or not? A No sir, I couldn't tell you that.
Q You know her husband, Ellis Webber? A Yes sir, I know Ellis.
Q Is he living? A Yes sir.
Q Did you know her mother, Zilphy Holt? A Yes sir.
Q Was her mother a slave? A I couldn't tell you that.
Q Don't know? A No sir.
Q Where did you first see Zilphy Holt and Rebecca Webber after the war? A I saw them there at Big Creek.
Q What year? A In the fall of '66.
Q Big Creek in the Cherokee Nation? A Yes sir.
Q Did they return with you? A No sir, they came afterwards.

Applicant, BECKY WEBBER, re-called and further examined;
By Com'r Needles:
Q Is Ellis Webber living? A Yes sir.
Q Is his name on the roll of 1880? A No sir.

Witness, SAMUEL WEBBER, re-called and further examined by Mr. Davenport, Cherokee Rep've;
Q You wasn't acquainted with her family until after the war?
A No sir, time of the war.
Q You saw them at Ft.Scott? A Yes sir.
Q How many people come back with that crowd that come back in the latter part of '66? A There was several families in Uncle Caesar Smith's family there that come along.
Q First you saw this girl and her family she was on Big Creek?
A Yes sir.
Q And that was sometime after you had come back the last time?
A Yes sir.
Q Do you remember whether it was before or after Christmas?
A It was before Christmas.
Q What makes you remember it was before Christmas? A We all had a little Christmas dinner Christmas there you know, we was together
Q Did you form a little camping ground? A No sir, we had little cabins around.
Q Were your cabins built during the summer? A Some of us had.
Q Some of you built during the summer? A Some of us had, but we had not finished them, we finished them that fall when we moved there.
Q How old was she then? A She was a small girl, not very large.
Q Where is Ellis Webber now, do you know? A There he stands right there (Pointing to a man).
Q When were she and Ellis Webber married? A I married that couple, but I can't tell you exactly, it has been 4 years ago I believe.
Q Do you know anything about this woman and her mother Zilphy Holt before the war? A No sir.

Applicant, BECKY WEBBER, recalled and further examined;
By Com'r Needles:
Q When were you married to Ellis Webber? A I couldn't tell you what year it was in.
Q Was you married when these children were born? A After some of them were born.
Q You know about how many years you were married? A I couldn't keep no count in my head, I aint got no learning.
Q It has been 15 years? A Nosir, I don't think it has been that long.
Q Been 10? A It has been about 12 years I guess; I couldn't tell you exactly.
Q Was Louella born before you married? A Yes sir.
Q Was you ever married before you married Ellis Webber? A Yes sir, I was married to a man named Curry, state man.
Q Is Curry and Webber the only 2 husbands you had? A No sir, I had another man.
Q Before Curry? A Yes sir.
Q What was his name? A Anderson Johnson.
By Mr. Davenport:
Q Where did you marry Curry? A I never married him.
Q Where was you living when you took up with him? A On Big Creek.
Q Where was you living when you took up with Johnson, or married him? A On Big Creek.

EDMOND VANN, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Edmond Vann.
Q What is your age? A 22.

Q What is your postoffice? A Lenapah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Freedman? A Yes.
Q You know the applicant, Rebecca Webber? A Yes sir.
Q How long have you known her? A Before the war.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Bill Holt.
Q Was Bill Holt a Cherokee? A Yes sir.
Q What was her mother's name? A Milly Holt.
Q You know where Bill Holt and Milly Holt were during the warbetween the North and South? A No sir.
Q Where did you see the applicant the first time after the war?
A On Big Creek.
Q What year was that? A Cedar Creek where I saw them after the war, in '70.
Q In 1870? A Yes sir, '67.
Q You never saw the mother of this woman until 1870? A '67,when I saw them.
Q What part of '67? A In the spring.
Q You recollect whether it was in January, February or March?
A No sir, I don't, it has been so long I forget.
Q Have you known this woman Rebecca Webber since that time?
A Yes sir.
Q She always lived in the Cherokee Nation? A Yes sir.
Q You know her children? A Yes sir, I know some of them.
Q You know how many children she has got? A I guess I do.
Q How many? A There's Frank and, I can't hardly think of the childrens' names, I can't call their names, I know she has got a good many though.
Q You know her father? A Yes sir.
Q Was he a state man or a slave? A Slave.
Q How long had her father been dead? A Before the war.
Q You know then that Rebecca and her mother were slaves? A Yes sir.
Q Your testimony then is that you saw them in the Cherokee Nation about the spring of '67? A Yes sir, spring of '67.
Q You don't know what month in '67 it was? A No sir.

By Mr. Davenport:

Q Where did you live when the war broke out? A I lived at Polly Vann's place, 5 miles above Fort Gibson. But I was raised at Webbers Falls.
Q Where were these peopleliving when the war broke out?
A At Webbers Falls.
Q How far did you live from them at that time? A About 5 miles below where they lived; they lived on one side of the river and me on the other.
Q Where did you go from there? A I come up to Gibson, and lived there 5 years.
Q How long before the war was that? A That was before the war.
Q How long before the war? A We lived up on Verdigris there 5 years.
Q Where were these people living before the war broke out? A On the Holt place.
Q You know that of your own knowledge? A Yes sir.
Q How long before the war broke out had you been down on the Holt place? A I was [illegible] pretty near.
Q Where did the [illegible] when the war broke out? A I went south.
Q Where did the [illegible] when they went? A I don't know sir.
Q Next time you saw [illegible] was on Cedar Creek? A [illegible] at the Holt place
Q And that was [illegible] of '67? A Yes sir.
Q Who were they living with there on Cedar Creek? A Living where they are living now.
Q Anyone living around there? A Yes, sir, family living there, and

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whole lot of other people.

Q Was the applicant there married at that time? A Yes sir.

Q Have any children? A Yes sir.

Q You remember their names? A Remember some of their names, I can't recollect all of them.

Q What was her husband's name at that time? A Curry.

Q Give me the children's names. A Frank, Johnson, Rebecca.

Q Were all these children born up there when you saw her in '67?

A Yes sir.

Q Frank and Johnson and Rebecca were born then? A Yes sir.

Q How old was this applicant when you saw her last at her father's before the war broke out? A I can't tell you.

Q How old did she look, couldn't you tell by size? A Couldn't tell.

Q Big enough to run around and do errands? A I guess she did, big enough to do something.

Q You think she was as much as 10 years of age? A I don't know sir I hate to say anything unless I know it, I want to tell the truth while I am talking.

Com'r Needles: Rebecca Webber applies for the enrollment of herself and 3 children; she is not identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kern-Clifton roll; her 3 oldest children, Louella and Arthur, are identified upon the Kern-Clifton roll; she avers that she has a younger child, Mabel, 6 years old, whose name does not appear upon any roll; she is duly identified and makes satisfactory proof as to residence; by reason of the fact that her name is not upon the authenticated roll of 1880 and the present of the Cherokee Nation, said Rebecca Webber and her 3 children enumerated herein will now be listed for enrollment as Cherokee Freedmen on a doubtful card; it will be necessary for her to file satisfactory proof of birth for the younger child; she will be notified by mail of the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this July 8, 1907.

Signed, T. B. Needles,
Com'r.

Q*Q*QQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQ*Q*Q

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the above is a true and correct copy from the original.

Bruce G. Jones

Sworn to and subscribed before me this the 20th of August, 1961.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Frank Johnson for enrollment as a Cherokee Freedman.

Frank Johnson, being duly sworn, and examined by Commissioner Needles, testified as follows:

Q What is your name? A Frank Johnson.
Q What is your age? A I will be 28 years old the 11th of July.
Q What is your postoffice? A My postoffice is Dewey.
Q What district do you live in? A Live in Cooweescoowee district.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q You desire to enroll anybody but yourself? A No, sir, I have two children, but my wife, we have parted, she will enroll them I guess.
Q Your name on the roll of 1880? A No, sir.
Q What is your father's name? A Anderson Johnson.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Becky Webber.
Q Who do you claim your citizenship through? A Through my mother.
Q Has she been listed for enrollment? A Yes, sir.
Q Where were you born? A Born in the Indian Territory.
Q Cherokee Nation? A Yes, sir.
Q You lived here all your life? A Yes, sir.
Q Are you married? A Been married
Q Now living with your wife? A No, sir.
Q Your name on any of the rolls of the Cherokee Nation? A On the Wallace roll and the Clifton roll.

Mr. Hastings: Is Rebecca the wife of Ellis Webber? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, Page 140, No. 3474, Cooweescoowee district, as Frank Johnson

Q Is Rebecca Webber married now? A Yes, sir, Ellis Webber is her husband.

The Wallace roll examined, and the applicant identified thereon Page 117, No. 2468, Cooweescoowee district, as Frank Holt.

Mr. Hastings: Where were you born? A Born on Big Creek.
Q At whose house? A I don't know whose house, my grandmother's house I guess.
Q Where were you when you were first ole enough to remember? A I was on Big Creek.
Q Who did you grow up and live with up there? A I growed up with my mother.
Q Who was she living with when you can remember? A Living with her grandmother and her mother.
Q What was her grandmother named? A I don't know what her right name was, I just always called her Granny.
Q Granny what? A I don't know the other part.
Q Wilson? A No, sir, it wasn't Wilson.
Q Now do you know your granny's name? A I know one of my grandmothers' name.
Q I want to know the one you were living with? A Some called her Silvy Hill, they always called her.

Commissioner: You never lived outside the Cherokee Nation? A No, sir.

Mr. Hastings: Worked out? A Yes, sir, I have worked out, I have went in the state and worked two or three weeks or a month and come back here.

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Frank Johnson & Wife

Dark Blood,

Where were married. In the Cherokee Nation.

Who married them. By the married man.

Examination. Frank Johnson applies for the enrollment of himself. He cannot be identified upon any of the rolls in the possession of the Commission except the Kern-Clifton and the Wallace rolls, but he is identified upon said rolls according to page and number as indicated in the testimony. He swears that he is the son of Rebecca Webber, who is listed for enrollment on D card 588. The testimony taken in the application of said Rebecca Webber will be made part of the record in the case at bar and a copy will be filed herewith. The applicant makes satisfactory proof of residence and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified of the decision of the Commission when received by mail.

Witness.

Bruce G. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 5th day of May, 1906.

[illegible]

Commissioner.

F.D. 870

Proof of Service made
original filed with the
DAWES COMMISSION.

SEP 26 1901

SEP 20 1901

NOTICE!

IN THE MATTER OF the application of Frank Johnson for enrollment as Cherokee Freedmen:

Case No. F. D. 875

To Frank Johnson Dewey I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 26th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

File with F. D-875, Frank Johnson.

F. D-853.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 27,1902.

In the matter of the application of Rebecca Webber et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-853.

APPEARANCES:
Mellette & Smith, for applicant.
W.W.Hastings for Cherokee Nation.

MR.HASTINGS: The Cherokee Nation asks that the testimony introduced on the part of the Cherokee Nation in the case of F.D-818, and the testimony of Aaron Webber, as well as the testimony introduced by the Cherokee Nation in F. D-816, be introduced and made a part of the record in this case.

MR.SMITH: The applicant objects to the introduction of the record in the cases referred to for the reason that it does not tend to prove any issue in this case, and for the further reason that it is not the best evidence, and is incompetent in the manner and form offered.

MR.HASTINGS: The Cherokee Nation offers them for the reason that they conclusively show the time the Webbers and the Whitmires returned to the Cherokee Nation after the war and who returned with them.

MR.SMITH: The testimony is further objected to because the matter offered does not appear to be signed by the parties nor written in by them, and because it is not shown that the said matter is a statement of the said witnesses.

COMMISSION: This testimony will also be filed with and made a part of the record in the case of Frank Johnson, F.D-875, who is also represented by Mellette & Smith, in addition to the case at bar.

Arthur G. Gruninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G.Gruninger.

Subscribed and sworn to before me this 7th day of July,1902.

(signed)F.S.Rexter,
Notary Public.

(seal)

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original.

M D Green

Subscribed and sworn to before me this July 31,1902.

Bruce G Jones
Notary Public.

Supl. C. D. [illegible] Freedman,

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedman, introduced on behalf of the Cherokee Nation.

[illegible]

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. H. Bell.

C. W. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation,

MR. BELL:

Q Tell him your name? A C. W. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Sharpsburg.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Came to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I came back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I knew him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the party.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Rose passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or 28 wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Members of Cherokee Freedmen? A Yes, they were coming back to the Cherokee Nation.
Q Well now that was, where you say it was? A It was right on this side of the Neosho River between the two bridges where the wagons crossed.
Q How far from the Neosho River? A I supposed half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack Nolain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you know in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you know? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.

Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he lives, I have saw him ever since I have been here. I dont think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Ramson.

Stenographer.

F. D. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers Com'n on Citizenship," as follows

"No. 83. Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as shown page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation.

(Ex. June 7th, Statement filed
on the 26 of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmir on the 26th day of June, 1879, as found on pages 1[illegible] and 5 of book B, entitled, "Citizenship record 1879," as follows:

"Before the Cherokee Attorney at Tahlequah to my claims to Cherokee citizenship.

The undersigned [illegible] in the [illegible] of
Lewis [illegible]
vs
Cherokee [illegible]
respectfully presents [illegible] statement of his [illegible]
in the requirement of [illegible]

Claimant claims [illegible] law creating this [illegible] a slave owned by a citizen and resident of the [illegible]

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during he war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of they was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents this to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire,
June 26, 1878. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A." Page 238, case No. 60, as follows:

Case 60.

Aaron Whitmire
vs
Cherokee Nation,

Tahlequah,
July 2, 1878.

Mike Fields a witness for claimant, being sworn.

I am I think from about 38 years old. I live in Illinois District, C. N. My citizen of the Nation. I have been all the doubtful roll but had my rights proven up before the Commission.

An a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of hat number. The claimant was one of hem. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires whopiloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Levis, Rose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of greeting hom es. When I moved with my family I stopped on Bryers Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were sent and come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf Near Busby Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Abe Fields.
Mark.

Aaron Whitmire
vs.
Cherokee Nation.

August 1, 1902.
Rinford Sharp, witness for claimant, called and sworn.

I reside in Tahlequah District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, [illegible] District.

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Grouches. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and Jim Webber belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got here. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. F. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Dooly Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at Johnson's Ferry in 1866. The chief ferryman who crossed us was Will Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the men that went with me to the Nation are as follows: Mike Sanders, Sam Sanders, Peter Ledge, Will Peterson, Tuck Sanders, Ransom Daniels, Sam Sanders, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brothers were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Nelson Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Dan, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Ledge and the families of those who had families all came as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Nelle a Ratliff was owned by one Alec Ratliff at breaking out of war. The Night came in March 1867. Jack Sanders was also in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 33 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Mark Whitmire.
mark.

Case 61.

Aaron Whitmire & family
vs
Cherokee Nation.

Claiming citizenship.

Now comes claimant by Atty before the commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit:-

Claimant is a colored person and claims as a freedman under privileges of the fourth stipulation of the treaties of 1866 and secured by law in the determination of rights and double rights by competent authority having been denied citizenship.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unavoidable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Fn. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation. August 1st, 1892.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coweseescoee, C. N. As a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Moses, Lewis, Dennis and Nelson Whitmire, Peter Meige, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but did not recollect anything about them they were traveling. They stated they were coming from Fort Scott, Kans. they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. Nelson gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves home.

It was after the Delegation returned that I met claimant and the others spoken of. It was [illegible] that I met them. It was as near as I can recollect [illegible] when I crossed them. I am positive it was before [illegible] of October, 1866. or probably a few days before [illegible] I saw them at Christmas

I was not acquainted with the [illegible] previous to the [illegible] they may or the others

I do not know [illegible] I do not know [illegible] they had lived in the [illegible] of seeing any of the relatives of the [illegible] during this time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I got them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs)
Cherokee Nation.)

July 4" 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for coming there he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as quickly as it was convenient to go in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools so until matters were more permitted in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of these families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct., or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man. I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all each by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 and this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said, the time of selecting their homes. Several claims were taken in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said colored party. A delegation for the Cherokee Nation at Washington. There were various as witness learned from one of them who wished to cancel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Composition of witness is herding wild cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 9a."

Aaron Whitmire et al | July 16th 1896.

vs

Cherokee Nation. | John Riley.

Sworn on stipulation for deft. I live in Scomegoodouse Dist. I first moved there in 1862 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Vindicity River to live in the month of March 1867. Also came at the same time Pat Jones, Mike Sanders, Sam Walker, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that fall in 1867 on an old place of Aaron Lawson. He had settled in other place before that.

Agreed Tax Lot.

I don't know of any colored heads of families coming in to the Nation in the vicinity of Doch. Went to locate horses but I know of none who came in sort, not for that purpose. I know where Aaron Whitmire lived at this time. I was near Goody's Bluff in Dec. 1866. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any neighbors families came in here, like I have spoken of, I never heard of them. Nobody lived in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire and Mike Sanders, Sam Walker, Colbert Jones, Billy Foreman, Green Morgan along. Dennis was not there. As I have of the [illegible] Aaron Whitmire there I know of. At any rate [illegible] in Dec. 1866 I think certainly I would have [illegible]

Agreed [illegible]

[illegible] (Signature)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

R. W. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitwire)
vs) Tahlequah May 16, 1878.
Cherokee Nation.)

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N.*

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes ther of.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL) (Signed) F. G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1908.

Bruce E. Jones
Notary Public.

File with Cherokee Freedman

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drow the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.

Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.

Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Webber lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Meadles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewhere nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Tahle Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes,sir, have just the same rights, belonged to the same families also.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and fall before and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notice about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken? A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takia Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

.....

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants.

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A. 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miama Walker.
Q Was your father and mother here the first of the month? A Yes sir.
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound city, Kansas, in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I know him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living, at the time he married? A On this farm on the same place.
Q What is youn best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you know that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you say Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory was it not in March? A March what?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was going down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the end, the same trip.
Q Do you remember of Sam Webber raising any a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle. as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedx in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Robert L. Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.N.No-350, Joe Ross.

(By Stenographer: The following testimony was originally taken down by stenographer L.O.Rosson, and afterwards dictated by him to stenographer M.B.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Weber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small. I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well, I could not say just now, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February what of what year? A Of '67. I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: May I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commissioner: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgment? A Yes sir.
Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.
BY MR. SMITH:
Q Mr. Short, how old were you in '65? A About 13 years old, September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes?A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1865? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two? A Yes, sir, I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber , Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '66.
Q You don't know what time in '66 they were there? A They were there before '66.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crop was made; they come down here and they went back up there together in the fall.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.
Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron came back or not; I saw Sam and the old man come back and got the family.
Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.
Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
Q And now that final move when they took all the people out you think was in what time? I don't know; but it runs in my mind in February or March; I want say anything about that.
Q What year? A '67.
Q You say you want say anything about that? A I don't know whether it was or not.
Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.
Q There was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.
Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.
Q You can't state that positively? A No sir, but unless I got something to fix the date.
Q You want say that? A No sir.
Q Now can you remember about Sam Webber coming up there in the spring of 1866 and bringing some bear hides? A No sir, I can't remember; of course that date is a long time ago; how I have got those things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.
Q You didn't get off of that farm? A No sir, just moved from the west to the east side.
Q And you were a boy about 13 years old? A Yes sir.
Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.
Q Now about that boy about the death in the family? A There was a young man died in the family in '66, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you gave?
A Why I do; when the family [illegible] remember about them.
Q I mean about Webber's [illegible] they was all there in the fall of '66; they was all there [illegible] one of the two months, because we moved there.
BY MR. [illegible]
Q Did you never suppose that we there in [illegible] sir.
MR. SMITH: I object to that; it is not [illegible] and
admitted them at [illegible].
Q Did you ever [illegible] sir,
have no recollection of [illegible]
Q What is your [illegible]
[illegible] Mrs. [illegible]
[illegible] as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 87 years old.
Q What is your post-office? A Mantey.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there, he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was other than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of 1862? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my glasses.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1844." A Yes sir.
Q And under the column of deaths appears: "Died October 15, 1862".?
A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died?
A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh, the old [illegible] I think; I am most positive [illegible]
Q Do you know where his wife was [illegible]
Q Well do you know whether she [illegible] your son's death? A Yes sir, [illegible] old lady, they called [illegible]
Q She was living? A [illegible]
Q Was she a member of [illegible] with them.
Q Well do you know [illegible] your child? A Yes [illegible] was a bad night and [illegible] up with me.
Q Did you know [illegible]
Q Now I would like to [illegible] time Old Sam Webber [illegible] country? A [illegible]

[redacted]

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Sicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aink mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know, I won't pretend to say anything I don't know, I don't like to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1866, and up until January or February of 1867? A I could not tell you where he was, I think Sam worked pro some around; I couldn't tell you whether he was at home all the time or not, I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that, that one.
Q Yes? A [illegible]
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others moving from Webber and others lived that community in 1866 and coming down to the [illegible] I recollect only Sam coming down here, I don't know [illegible] I guess though it was in '66.
Q Well about how long was it ago, your best recollection before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't, but I remember about it, he brought me back spring wood and sassafras rods.
Q Do you remember young Sam bringing some hides to the community?
A No sir, I didn't charge my mind with anything like that.

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way
Q Where did you move from this place that you live? A Where did I move from.
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come sometime in the latter part of the winter, but I say I would not be certain what month it was, or whether March.
Q You won't be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HARRINGTON:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then come back.
Q How do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not. When they came after their c claims.
Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir. Sometime alongin the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of him coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any track of his whereabouts
Q Now what makes you think it was in February or March '67 that these people left there? A Well I have all reasons to believe that circumstances about it, well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A Those darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commenced December and ends February, December, '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well gone by the last day of January isn't it? A Not always in sand.
Q Well the biggest part of it, the months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that be a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q But in what way do you fix the date you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, and this child's death; they were there that is, the family were, I don't be-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I dos, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title pags of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedman Doubtful case 496, the same being the case of Chloe Webber, and it will likewise be filed in Cherokee Freedman Doubtful case 516, the case of Aaron Webber, and in Cherokee Freedman doubtful case 360, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN O. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th,1901.

J. C. Starr,

Notary Public.

SEAL.

To be filed with_____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedman D 496, of Chloe Greyson and in Cherokee Freedman D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances;
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereon Big Creek in the Nation.
Q What time? A [illegible] in the spring of [illegible].
Q Do you know [illegible] Back to the Territory [illegible] A [illegible] I don't know of my own knowledge.
Q Do [illegible] to your house?
A He [illegible] his
[illegible]
Q Did you [illegible]
[illegible]
Q Did you [illegible] A I saw him
[illegible]
Q Where? A There at Indianola [illegible]

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months of a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never saw them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, recalled, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it happened in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came there.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and co plete copy of a certified copy of the original transcript.

A R Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Bruce G. Jones
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellete & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Frank Johnson, D 878;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a citizen of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Clark of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

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in the case of [illegible], trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings,

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
(SEAL) Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

Cher Fr D 876

Cher Fr D 876

File with F. D. 874.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 6th, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen; said Murrell being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Smith & Mellette, for Applicants:
Mr. W. W. Hastings, Cherokee Representative.

Q What is your name? A Nelson Murrell.
Q How old are you? A 77.
Q What is your post office address? A Coffeyville.
Q What district do you live in? A Coweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself? A Myself and wife.
Q What is the name of your wife? A Flora.
Q How old is Flora? A About 67.
Q Is your name on the roll of 1880, Mr. Murrell? A No, sir.
Q Is your wife's name not on the roll of 1880? A No, sir.

BY MR. SMITH:

Q What is your post office, Mr. Murrell? A Coffeyville, Kansas.
Q How far do you live from Coffeyville? A About eight miles south.
Q What Nation? A Cherokee.
Q Were you yourself born a slave? A Yes, sir.
Q Who was your Master? A Well I was born a slave of one Nave.
Q Do you know what Nave it was? A Henry Nave.
Q. Was he a Cherokee Indian? A His wife was.
Q What was her name? A Susie Nave.
Q Do you know what her name was before she married Henry Nave?
A Susan Ross.
Q Was she a Cherokee Indian? A Yes, sir.
Q Were Henry Nave and his wife citizens of the Cherokee Nation?
A Well, his wife was a Cherokee and he was adopted citizen by marriage.
Q Where did they live before the war? A Well, before the war the first I know of them they lived in Georgia.
Q Did they ever live here in the Indian Territory? A Yes, sir.
Q In what part of the Nation? A Tahlequah District.
Q Where were you when the war commenced? A I was right near Tahlequah.
Q With what family of people? A With the Murrells, George Murrell.
Q Did you go out of the Cherokee Nation before the war?
A Yes, sir.
Q Where did you go to? A Up in Kansas.
Q When did you return the first time to the Cherokee Nation after the war? A I returned the first time in '65, February, '65.
Q Where did you come to? A I came to the Cherokee Nation.
Q What point? A Up in Coweescoowee.
Q Well near what place? A Near Creek vicinity.
Q How far from what is now the town of Chelsea? A I don't know exactly how far from Chelsea town, about 35 or 40 miles; this is the first time I ever was at Chelsea.
Q Did you make more than one trip to the Cherokee Nation?
A Yes, sir.
Q Well after you came in 1865 when did you come out again after you went out? A Went back again about a month after I came in '65.
Q Did you return to the Cherokee Nation at any time after that?
A Yes, sir.

Q About when? A Came back in July.
Q Of what year? A Same year.
Q Did you remain here at that time? A No, sir.
Q What did you do then? A Went back.
Q When did you return then to the Cherokee Nation? A In '65, in the fall, in '66 and '65 I mean in the fall.
Q Well where did you locate? A I located on the Verdigris on the east side on the Verdigris, west side of Snow Creek.
Q When? A I located on the east side of the Verdigris, west side of Snow Creek.
Q When was it you made that location? A I made that location in '75 where I live.
Q Where had you been up to 1875? A I had been back to Kansas.
Q When was it now you said you first came down here? A I came down in February, '75.
Q You don't mean '75? A No, sir, '65.
Q Now when did you first make that first location? A I made it the same time.
Q You said Mr. Murrell, '75, a while ago? A I took that back, I made a mistake.
Q Well when was it? A I come in '65.
Q That is what you said when I asked you when you made your first location? A My first location I made it in February, '65.
Q Where have you lived since that time? A I stopped in Kansas a little while, I never did live in Kansas.
Q Who is your wife now? A Flora Murrell.
Q How long have you known her? A I have known her 40 odd years.
Q When did you first get acquainted with her? A I got acquainted with her 40 years ago perhaps, may be more I won't be positive.
Q Where? A Close to Tahlequah, Park Hill.
Q Before the war? A Yes, sir.
Q Where did you next see her after the war? A Next seen her after the war, I saw her up on the Verdigris where I live now, that was after the war.
Q Well, when did you see her next? A I saw her along about '75, 1875, I saw her.
Q Where was she living? A Well, sir, she came into the country there where I lived.
Q Well, where were you living? A I was living out there near Snow Creek.
Q Was she ever married before she married you? A Well, sir, she come there a married woman.
Q What was he husband's name? A Robert Vann, Lowin Vann in Cherokee.
Q When did you marry? A I married about 24 years ago.
Q Have you and she been living together ever since? A Yes, sir.
Q Where? A Up where I live now, Snow Creek.
Q How long had you been back here after you made your location here in 1865 before you first saw her? A It was about two years.
Q You don't know where she was in 1866? A No, sir.

BY MR. HASTINGS:

Q You come down in 1865? A Yes, sir.
Q Who come with you at that time? A Joseph Ross and Frank Hare.
Q Anybody else? A That is all.
Q Where did you come to? A Come on Verdigris.
Q Near Snow Creek? A Yes, sir.
Q How long did you remain up there? A About one month, somewhere along about that.

Q Where did you go from there? A I went back to Kansas.
Q How long did you stay in Kansas? A I came back the next time in June.
Q The following June? A Yes, sir.
Q What did you do then in June? A Cut hay.
Q You put up hay then did you? A Yes, sir.
Q Then you went back did you? A Yes, sir.
Q Well when did you come back then? A I come back in the fall.
Q Same fall was it? A Fall of '66.
Q Was it the same fall you put up the hay in June? A Fall of '66.
Q Answer my question did you come back the same fall that you put up the hay? A Yes, sir.
Q You put up hay after you were here in June? A Yes, sir, I come back in the fall of '66, I know that.
Q The first time you ever come here that was in February?
A Yes, sir.
Q According to your testimony you stayed here about a month?
A About a month.
Q You and Joe Ross and Frank Nave? A Yes sir.
Q Frank Nave is dead, isn't he? A Yes, sir.
Q Now, you stated you stayed here about a month at that time?
A Yes, sir.
Q Then you went back to Kansas? A Yes, sir.
Q Now, you stated that you came back here the following June and put up hay, it that true? A That is true.
Q Now, then you went back to Kansas again? A Yes, sir.
Q Now, the next time you moved is that correct? A Yes, sir.
Q And that was the following fall? A Yes, sir.
Q Now, the first time you come here was in February, '65?
A Yes, sir.
Q Now, who come with you when you come in June? A Joseph Ross, Posy Gibson, Ben Pee and Ceasar Hog.
Q That was all was it? A Yes, sir.
Q Did you see any colored people, anybody when you first came?
A Yes, sir.
Q Who? A Amos Addir.
Q You testified in Amos Adair's case the other day didn't you?
A I did.
Q Did you see any colored people here the following June whenyou come? A Mr. Adair.
Q He was here in June was he? A I think he was, in I mistake not.
Q That was the June after you were here in February? A Yes, sir.
Q Now, what other colored people did you see down here, in June, any besides Amos Adair? A Only Amos Adair.
Q You never saw any colored people while you were on that trip?
A No, sir, not on that trip.
Q Now about that time did youx return to locate?
A I returned to locate the third time in the same following fall.
Q In the same following fall? A Yes, sir.
Q About when? A Along about the first of the fall, I don't know exactly.
Q You don't remember the month? A No, I don't remember the month.
Q Do you think it was as early as September? A It hadn't got cold yet.
Q The leaves were on the trees? A Yes, the leaves were on the trees.
Q You never lived about Fort Scott Kansas did you? A No, sir, I never did live there.
Q You didn't make a crop on the Stuart farm did you? A No, sir, I don't know nothing about Stuart.
Q Did you make a crop up there? A Yes, sir.
Q On whose place? A I made a little crop on John McKibben's place one year.

Q What did you raise? A I raised a little corn.
Q What year was that? A That was while the war was going on, I think it was in 63.
Q Wasn't you in the army? A No, sir, wasn't in no army.
Q You never made a crop in 1865? A No, sir.
Q Did you make one in 1866? A No, sir.
Q Did you make a crop up there in '67? A No, sir, I wasn't up there.
Q Did you know a man by the name of Rector? A Yes, sir.
Q What country was he in? A Bourbon County (Kansas.)
Q Did you know Mrs. Brumby? A I got acquainted with her down here
Q You never knew her up there? A No, sir.
Q You never saw her before? A Never saw her before I saw her here
Q Where did you get acquainted with her here? A She was at my house.
Q On Snow Creek? A Yes, sir
Q You come, then, and located on Snow Creek, did you?
A Yes, sir, on Snow Creek.
Q You had built that house in there in February before?
A February before.
Q Where did you spend the winter before that? A The winter before that.
Q The winter before you come down here? A Near Mound City.
Q Murrell, do you belong to the Freedmen Protective Association?
A Yes, sir.

Objected to by Attorney for Applicant because it is incompetent, irrelavent and immaterial.
Objection overruled by the Commission.

Q Who are your witnesses? A Joseph Ross.
Q Does he belong to that Association? A I don't know whether he does or not.
Q Don't you know the members of it? A Yes, He belongs to it.
Q Who is any other witness? A Steven Lemsey.
Q Does Steven Lemsey belong to it? A I don't know whether .
Q Does he belong to it? A I don't know; he lives in another neighborhood.
Q About how far from you? A About three miles.
Q You don't have different Associations every three miles?
A Might have different places where they meet.
Q About how many belong to your association? A I don't know.
Q Well, about how many? A May be 20 or 30.
Q Are you meetings held in secret? A No, sir.
Q What is the object of it? A To protect one another and keeping out all people that don't belong to the Cherokee Nation.
Q Have you ever given any information to keep out any from the Cherokee Nation? A No, sir.
Q You have testified for general? A Yes, sir.
Q You were at Fort Gibson? A Yes, sir.
Q You went down there as a member of the Committee?
Q I went down there with a man.
Q You are down here as a member of the Committee?
A Yes, sir.
Q What other witnesses have you got? A. Sam Webber.
Q Does he belong to your association too? A I don't know nothing about Sam Webber.
Q Don't you know the members of your association? A I know the members where I live; Sam Webber lives at Nowata.
Q Well now, does this Joe Ross belong to it?
A Yes, sir.

BY MR. SHIRK:
Q What did you say that the purpose of that association was.

A The purpose of that Association is Cherokee Freedmen Protective Association, Cherokee Freedmen.
Q What is the purpose of it? A It is to protect one another in helping one another through this Court I suppose to the Cherokee Freedmen; on the outside no one belong to it but Cherokee Freedmen, or there has no right to be there; that is the order.
BY W. A. HASTINGS: It is a secret order is it? A No, sir; no man comes in there belonging to the United States, he has no right in that order.
BY MR. SMITH:

Q Mr. Murrell, do you know how many of these Associations there are? A No, sir; I don't know exactly there may be three or four, four or five, as far as I know.
Q You were asked if you had testified for a good many of the applicants? A Yes, sir, I was asked that.
Q You stated that you had I believe? A I had for a good many.
Q Have you testified for any applicant except those that you knew to have been here in 1866? A No, sir, I haven't; I deny the charge.
Q You have been in attendance consistently upon this This Commission since it has been meeting at Chelsea? A No, sir.
Q Have you heard any Cherokee Indian testify in favor of these applicants? A All come back in '70, I haven't heard nary one.
Q How many people on the part of the Cherokee Nation have you observed on this front row right here (Indicating.)? A Oh I have observed several.
Q Do you know what they are doing? A I see some slipping in little slips here to Mr. Hastings and others say they preparing them around there and slipping them here.
Q Do you know in what capacity they are retained here? A No, sir, I can't tell

BY MR. HASTINGS:

Q Mr. Smith has been the Attorney of a good many hasn't he?
A You know how many he is for.
Q He has the calling hasn't he? A Yes, sir.
Q He has not called any Cherokee citizens has he? A No, sir.
Q Mr. Murrell, there is about two thousand recognized Freedmen on the roll of 1880? A I don't know anything about how many.
Q The Cherokee Nation made that roll? A Till you get there with them I don't know.
Q The Cherokee Nation made that roll? A Yes, sir, I suppose so.
Q And they recognized in 1880 about two thousand old slaves?
A Yes, sir.

BY MR. SMITH:

Q Do you know of any old slaves they didn't recognize in 1880?
A Yes, sir, I do.
Q Were you here when that census was taken? A Yes, sir.
Q Do you know how that census was taken? A Yes, sir.
Q How? A They went to work and taken that census and went through the country, and I was living at that time up near Gaffeyville, where Old Fisher was at that time; these census takers would come up there and sometimes they would get drunk and overlay their time and then they would go to the nearest house and ask who lived over there and they would tell them.
BY MR. HASTINGS: You don't know that? A Yes, sir; I know it, I know it to be a fact.
Q The National Council revised and authenticated this roll of 1880 didn't they? A I don't know; they done so many things, I don't know what they done.

BY COM'R NEEDLES:

Q Did these census takers come to your house and enroll you in 1880? A No, sir, not at that time.

STEVE LOONEY, called as a witness and being duly sworn by Commissioner T. B. Needles, testified as follows:
EXAMINATION BY MR. SMITH:

Q What is your name? A Steve Looney.
Q Where do you live, Mr. Looney? A I live up on the Verdigris.
Q How long have you lived there? A I have been living there ever since the fall of '66.
Q Have you got any brothers and sisters? A I have a sister I have no brothers.
Q What is your sister's name? A Frances.
Q Frances what? A Frances Patterson, if she goes by her husband's name, and have one named Mandy.
Q Do you know Nelson Murrell? A Yes, sir.
Q How long have you known Nelson? A I have been knowing him pretty near all my life, ever since I was a little boy.
Q How old do you say you are? A About 58.
Q Where did you know Nelson first? A Knowed him at Park Hill.
Q Where was Park Hill? A Down in the Cherokee there.
Q Near what town now? A Tahlequah.
Q Do you know who he belonged to? A He belonged to George Murrell; that is his Massy's name; he belonged to his mistress, Mandy Murrell, she is a Cherokee.
Q Did he ever belong to anybody else except them? A Not as I know of.
Q Not that you know of? A Not as I know of.
Q Which is older you or he? A He is older than I am.
Q Do you know whether he went out of the Nation during the war? A Yes, sir.
Q Did he? A Yes, sir, I guess he did.
Q When did you first see him back here in the Cherokee Nation after the war? A Well we came together some to the Cherokee Nation.
Q Where did you come from? A Came from Fort Scott, Kansas.
Q Where did you come to? A We come on the Verdigris river here Cherokee Nation.
Q Well, when did you come? A We come in the fall of 1866.
Q Where did you come to, what point; you said on the Verdigris river, now whereabouts? A Right close to Goseneck bend.
Q Where have you been living ever since that time? A I have been living right where I live now.
Q How far does Nelson Murrell live from you? A It must be three miles or more, about three miles and a half I guess.
Q Something near three miles and a half? A. Yes sir.
Q Well, where has Nelson Murrell been living all this time? A Been living right where he is now.
Q Since when? A. Since we moved there in '66, the fall.
Q Do you know his wife, Flora Murrell? A Yes, sir.
Q When did you get acquainted with Flora? A Well, I used to know her before the war.
Q How long had she and Nelson been married, do you know? A I don't know.
Q Well, is it a long time or short time? A Been a good while ago.
Q Are they living together up there now? A Yes, sir.

BY MR. HASTINGS:

Q What was his wife's name when you first knew her? A If I ain't mistaken it is M a molton.
Q Molton? A Yes, sir, if I misthink not.
Q Was did she belong to before the war? A If I ain't mistaken,

might be mistaken, George Melton, or Lewis Melton, it was the Melton family; there was a whole lot of them.
Q Where did she live before the war? A They did live there a while at Park Hill.
Q Where did you live? A I lived on Illinois river.
Q Do you think they belonged to the Meltons? A Yes, sir.
Q Was she and Uncle Nelson married before the war?
A No, sir, I think not.
Q Wasn't they living in Kansas together? A I don't think she was.
Q Well when did you first see them living together? A Well that is when I was telling you I don't know how long since they was married.
Q When did you first see them, how long ago? A He was up on Snow Creek.
Q Did he bring her back with him when you came with him? A I don't think he did.
Q When did he bring her? A I couldn't tell you that.
Q You can't say whether he brought her with him or not?
A No, sir.
Q Who did he bring with him? A He brought a woman by the name of Eliza.
Q Is she living? A No, sir; she is dead.
Q When did she die? A She has been dead a good while ago, I could not tell you just how long it has been.
Q How long was it after the war was it until you saw this woman?
A Well I could not say that either, it has been a good while ago.
Q Do you know whether she was ever married before?
A No, sir, I could not tell that.
Q When is the first time you were ever down here after the war?
A I came in the fall of '86.
Q That was the first trip you ever made? A That is the first trip to my recollection.
Q That is when you moved down? A Yes, when I moved down.
Q About what time in the fall was it? A Kinda cold, late in the fall.
Q Pretty near Christmas? A It might have been.
Q About how long was it after the treaty, after you heard of it until you came? A I told you once I didn't know about what time, it might have been close to about a year, couldn't tell you exactly, never kept any dates, I came back in that fall.
Q You never kept up with dates very well? A No, don't know anything about it.
Q You didn't come down with Uncle Nelson in June or July before?
A No, sir.
Q Did he have any house built down there? A If he did I disremember her.
Q You didn't see it? A No, sir.
Q Did he have a crop down there? A No, sir.
Q No corn? A No, sir.
Q Have any hay? A Well, he might have had hay; I didn't stop around him very long, I moved right across the river.
Q How far did you locate from him? A It might be three miles or three miles and a half.
Q Did he come in a wagon? A Yes, sir.
Q How many wagons did Uncle Nelson have? A One as I know of
Q Only one team? A Yes, sir.
Q Well, where did you get in with Mr. Murrell, at? A Fort Smith.
Q Did he live there in Fort Smith? A Not right in Fort Smith he didn't.
Q In whose place was he living? A I disremember the man's name now.
Q Do you think you would remember it if I was to call it?
A I don't [illegible] know whether I would or not.

Q Do you remember a man's name by the name of Stuart?
A I don't believe I do.
Q Do you know whether he made a crop down here that year that you moved down here in the winter? A I don't know whether he did or not.
Q He was living on a farm near Fort Scott? A Yes, sir.
Q And there is where you got up with him? A Yes, sir.
Q Do you belonged to uncle Nelson's Freedman Protective Association? A I told you not.
Q You live within three miles from him? A Yes, sir, I could live in the house and then not belong to what he did.
Q He testified for you? A Yes, sir.
Q Are you are testifying for him? A Yes, sir.
Q Yet you don't belong to his Protective Association? A Wasn't nobody up there to have as a witness, nobody there; if there had been anybody there I probably would have had different people.

JOE ROSS, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Joe Ross.
Q How old are you? A I am about 60 years old.
Q Where do you live? A Up in Coweseseewe.
Q What is your post office? A Coffeyville.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation all my life.
Q Did you go out of the Cherokee Nation during the war? A. Yes, sir.
Q Do you know Nelson Murrell? A Yes, sir.
Q Was he out during the war, or did you know about that yourself? A Out during the war?
Q Yes, was he out during the war, or did you know? A Yes, he was out during the war.
Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A When I first seen him we and him come down to the Cherokee Nation from Kansas.
Q When did you come? A In '66 first.
Q Where did you come to? A Down here on the Verdigris.
Q In what district? A Coweseseewe District.
Q That was Cherokee Nation? A Yes, sir.
Q Well, where have you been living ever since that time? A I have been living right here.
Q What do you mean by right here? A In Coweseseewe until we came back.
Q How far do you live from where Nelse Murrell lives?
Q We live right close together.
Q How close together? A We stayed pretty near in one house pretty near together.
Q Do you mean now? A Not now, he stays on one side of Snow Creek and I stays on the other side.
Q How far do you live from him now? A About two or three miles.
Q Do you know where Nelson Murrell has been living since you and he came back here in 1866? A Yes, sir.
Q Where? A Right where he is living now.
Q And where is he living now? A Verdigris.
Q In what Nation? A Coweseseewe.
Q Coweseseewe District you mean? A Yes, sir.
Q Well, what Nation is it in? A Cherokee Nation.

BY MR. MARTINEZ:

Q Do you know what Nation that is, are you positive? A I know it is Cherokee Nation all right.

Q Do you know what district it is? A Yes, sir.
Q What? A Goswenoseowee District.
Q Uncle Joe, what year is this? A I don't know, sir.
Q Do you know any year? A Mighty little.
Q Don't know anything about dates? A No, sir.
Q Do you know what year you were born? A No, sir, I don't know that.
Q Do you know what year you were married? A No, sir.
Q You don't know about any other than, anything but then one you mentioned? A Yes, sir.
Q That is the only year you know? A No, sir.
Q What other year do you know? A '65.
Q Don't you know any other year? A No, sir.
Q You never heard of any other year? A Yes, sir.
Q What other year did you hear of? A '66.
Q Did you ever hear of any other? A No, sir.
Q You never heard of any other except these two? A No, sir.
Q Where did you live before the war? A Lived with John Ross.
Q Did you know Nelson Murrell's wife? A Yes, sir.
Q Flora? A No, sir; one he lived with up there, I knowed his wife was Eliza Murrell.
Q Well his present wife; is that his present wife? A Yes, sir.
Q Well, I didn't know that that is the wife he is living with now? A Yes, sir.
Q How long have you known her? (No response)
Q You come to Snow Creek did you? A Yes, sir.
Q About what time of the year did you come to Snow Creek?
A Come there in '65 the first trip I made/
Q About what time of the year was it? A Well, sir, I don't know what time it was, it was cold.
Q About Christmas? A No, it was not Christmas.
Q Well, was it before Christmas or after Christmas? A No, it wasn't, it was sometime, it was cold weather, I don't know what time it was.
Q Snow on the ground? A Snow ketched us on the ground before we went back.
Q Who come with you? A Me and Nelson Murrell and Frank Hays.
Q How long did you stay here? A About a week and some nine or ten days.
Q The snow caught you on the ground while you were down here?
A Yes, sir.
Q What did you come down for? A We fetched a load of flour down,
Q Is that the old time you were down here before you moved?
A That was before I moved I come down here.
Q Then the next time you come down you moved?
A No, sir, I come two trips, third trip I moved.
Q Who came with you the second trip? A Me and Murrell.
Q Who else? A Tony Higgins.
Q And who else? A That is all I remember.
Q What did you do that time? A We cut some hay and put up.
Q What time of the year was that? A I don't know, sir, what time of the year that was we cut some hay to put up.
Q How long did you cut? A We stayed a week or so.
Q What did you cut hay with? A Mowing blade, grass blade.
Q And put it up in stacks? A Put it up in stacks.
Q You didn't build any houses then? A We built our houses before that.
Q Was that in 1866 you came that time?
A In '66, we went up and moved our folks down to our houses.
Q You have lived up there at Snow Creek ever since?
A Yes, sir.
Q Uncle Nelson testified for you in your case? A Yes, sir.
Q And you are testifying for him in his? A Yes, sir.
Q Do you believe he [illegible] Brothers Protective Association?
A I didn't know they had a Brotherhood.

Q Do you belong to it? A I don't know whether I is or not.
Q Do you belong to an Association of colored people? A Yes.
Q Good many people

Mr. Smith: Mr. Court, I want to make a formal objection because it is irrelevant, incompetent and immaterial.

Objection is overruled by the Commission.

Q I want to ask you if a great many don't belong to that association up there? (no response.)
Q Say, Joe, don't a good many people belong to that Association?
A Not a good many of them.
Q About how many? A I don't know how many there is a few of us.
Q It is a Secret Association isn't it? A I guess it is.
Q You only let certain persons in? A We let all come in we don't want to come in.
Q Steven Looney belonged at it? A I don't know whether he is or not.
Q You don't know the members of it? A I know 'em, but they.
Q You can't tell them? A No, sir.
Q You are not allowed to tell them? A No, I ain't.
Q You are not allowed to tell the purpose of it are you?
A No, sir.
Q It is a secret Association then isn't it? A It must be.
Q Where did you see, first know Nelson Murrell's present wife, the wife he is living with, where did you first know her? A I knowed her where she is now, in the Cherokee Nation.
Q Well, when did you first know her? A I have been knowing her all my life.
Q Who did she belong to before the war? A She belonged to old man Melton.
Q When did she and Nelson marry? A I don't know, sir, when they married.
Q Before or after the war? A Well, before the war; yes, before the war.
Q Did Nelson bring her down here with him when he came back with you? A No, sir.
Q Well did he bring her down here when he moved his family?
A No, sir, he didn't.
Q Well, who did he bring? A He bringed his wife with him what he had up there, Eliza Williams.
Q That is not the wife he is living with now? A No, sir.
Q Well had he married this wife before the war? A Which wife?
Q This one he is living with now? A No, sir.
Q He didn't? A No, sir.
Q He never married her until after the war? A No, sir.
Q Well, how long after the war until you saw this woman?
A I saw her, don't know how long it was.
Q Did she come along with you people? A No, sir, she didn't.
Q Do you know who brought her down here? A No, sir.
Q Do you know when she came? A No, sir.
Q You don't know how long after the war? A No, sir.
Q Do you people in your Association agree to help each other get up your testimony? A We don't have any testimony to get up.
Q Never made any agreement of that kind? A No, sir.
Q You appointed uncle Nelson as a member to go down to Fort Gibson?
A I didn't appoint him.
Q I mean that Association down there they sent him down there?
A No, sir, they didn't.

BY MR. SMITH:

Q I believe you stated that you didn't see and you didn't yourself know where Flora Melton was when you and Nelson came back down here in 1866? A No, sir; I don't know where she was.
Q Do you know how long it was after that before Flora and Nelson married? A No, sir.

Q Can't say? A No, sir I can't say.
Q Now, who was Nelson's wife before he married Flora? A Eliza Williams.
Q Eliza was her name was it? A Yes, sir
Q Well, Nelson was not married to Flora before the war was he?
A No, sir.

FLORA MURRELL, being called and sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Flora Murrell.
Q How old are you? A Well if I remember right I think the last day of this last June I was 76.
Q Where do you live? A I live on Snow Creek between Snow Creek and the Verdigris river.
Q In what Nation? A In the Cherokee Nation.
Q How long have you lived there, in the Cherokee Nation?
A All my life.
Q Were you born a slave? A Yes, sir.
Q To whom did you belonged at the time the war commenced?
A Lewis Melton and Susie Melton.
Q Were they Indians? A Yes, sir.
Q Cherokee Indians? A Yes, sir.
Q Citizens of the Cherokee Nation? A Yes, sir.
Q Where were you during the war? A I was up in Big Bend.
Q Where is Big Bend? A Up on the Arkansas River.
Q In what Nation? A Well it was in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at all during the war?
Q No, sir.
Q Where were in the year 1866, immediately after the war closed?
A I was at Big Bend, I don' know one of that time.
Q You don't know dates? A No, sir.
Q Well, have you ever lived out of the Cherokee Nation at all?
A Never has.
Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary Melton, and had a daughter named Susie, George and Gathering and Edward Melton, Moses Melton.
Q In what part of the Nation were you living when the war commenced?
A We was living on the place where.
Q Don't care about the place but what part of the Cherokee Nation were you living? A Bird Creek.
Q What town would that be as the towns are built now? A There wasn't no towns near us then any neared than Tahlequah.
Q Well, how far did you live from Tahlequah? A They called it a hundred miles.
Q You don't know how far it was? A No, sir.
Q Now, this place you were talking about living what town if any has been built up near that place since? A I don't know sir as there is any, I ain't been to the place since the way.
Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't.
Q Have you ever been married before you married Murrell?
A Yes, sir.
Q Who was your husband? A Lewin Vann, they called him in Cherokee, his name was Robert Vann in English.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Joe Vann.
Was Joe Vann an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q How long were you and Lewin Vann married? A Well, I don't know hardly just how long we was married.
Q Did you have any children while you were his wife? A Yes, sir.

Q What are their names? A We had eight children, I haven't got not three living.
Q Give me the names of these children? A Sonny Smith.
Q Is that a man or woman? A He is a man.
Q And what is the next one's name? A Charley Vann.
Q Which is the next child's name of the three living?
A Lilia Hopkins, she is married.
Q Is that meant for Delilah or just Lilah? A Meant for both but we just called her Lilah.
Q Is she married? A Yes, sir
Q When did she marry? A She married Oliver Hopkins.
Q Where does she live? A She lives on Sanny.
Q In what Nation? A Cherokee Nation.
Q How long has she lived there? A I don't know just how long she has been there, pretty near ever since they have been married.
Q How long have they been married? A I don't know; been married long enough to have seven or eight children.
Q How old is the oldest child? A I don't know, I think she is in her sixteenth year.
Q Where was Lilah before she married? A She was living with me.
Q Where did she live up to the time she was married?
A With me.
Q Where does your son, Charley Vann, now live?
A He lives in about a half a mile from me.
Q Where? A On Sanny Creek.
Q In what Nation? A Cherokee Nation.
Q Is Charley married? A No, sir.
Q What is his wife's name? A Her name is Kizzie.
Q How many children has he got? A One.
Q What is its name? A William Vann, she is a girl.
Q These three children, Charley Vann, and Lilah Vann and Sonny Smith are your children? A Yes, sir.
Q Where had Charley lived up to the time he was married?
A Lived out here with me.
Q Where did Sonny live? A He lived out home with me, when he was not working out.
Q Where does Sonny live now? A I know not where.

BY COM'R MARSHALL:

Q Flora, you say you never lived out of the Cherokee Nation?
A No, sir.
Q Were you born a slave? A Yes, sir.
Q Is your name on the roll of 1880? A Not as I know of.
Q Why is it not not? A I know when they was taking the census of 1880, Rufus Hoss taken them, he came up there, he didn't go up to my house, and mother went out and she went back and got me and when I got up there it was late in the evening and Rufus told me to come back the next morning and meet him at Chouteau and he would put my name down and when I went there he was gone.
Q Your name never did get down? A No, sir.
Q Are you married to Marshall? A Yes, sir.
Q Are you on the Marshall roll? A Yes, sir.

The 1880 Mississippi Roll of Freedmen of the Cherokee Nation contained the names of applicants not found elsewhere.
The 1880 Census Roll of Freedmen of the Cherokee Nation contained the names of applicants not found elsewhere.

The Marshall roll of Freedmen of the Cherokee Nation contained the names of applicants not found elsewhere.
[illegible]

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 127, #2672, W. Nelson Murrell, Sequoyah District.
Page 128, #2689, Flora Murrell, Sequoyah District.

BY MR. HASTINGS:

Q You made a statement here about Rufus Ross taking the census roll in 1880? A I don't know what year it was, I don't know as I said when he taken the census.
Q You don't know whether it was in 1880 then or not? A No, sir, I don't.
Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell then living at home with him.
Q Do you remember what year you were married to Mr. Murrell?
A No, sir.
Q Do you remember how long after the war? A No, sir, I don't.
Q How old is Charley Vann? A I don't know that just exactly but I think he is along about 33 or 34, I don't know exactly.
Q Where was Charley born? A Born at Big Bend.
Q Big Bend where? A It was up on the Arkansas.
COM'R MERRILL: Cherokee Nation? A It was Cherokee Nation then.
W. W. HASTINGS: It was then? A. Yes, sir.
Q Where was Delilah born? A On the Arkansas river.
Q Which is the elder she or Charley? A Charley.
Q How much older is Charley? A Oh, I don't know just exactly between two or three years.
Q Where was Sonny Smith born? A He was born on Bird Creek.
Q Is he older or younger than the other two? A Yes, is the oldest child.
Q Where were you living when the war come up? A I was living at the Big Bend.
Q Were you then a slave? A Yes, sir.
Q Whom did you belong to? A I belonged to Lewis Melton.
Q Did Lewis Melton ever live in the Big Bend of the Arkansas?
A No, sir.
Q Well who were you living with out there? A Iwas living with my husband.
Q Had you run off? A Yes, sir.
Q How long had you been away from your owner? A About four years.
Q Had you been living out there in the Big Bend all that time?
A Yes, sir.
Q You didn't go to Muskogee? A No, sir.
Q Never went outside of the Cherokee Nation? A Well if you call the strip and one side of the Arkansas river that is where I was.
Q What were you doing up there that four years? A I was hiding.
Q How did you make your living? A My husband was a hunter and I had friends up there that fed me.
Q What friends did you have up there? A Dude Webber and Kristesh.
Q Kristesh who? A That is all I know I know about him.
Q Was he colored? A He was a Cherokee.
Q Full blood? A I guess he was, he talked Cherokee.
Q Didn't talk any english? A No, sir.
Q He fed you did he? A Yes, sir.
Q Who else? A Wiley Bunting.
Q Was he a Cherokee? A Yes, sir.
Q Did either Wiley Bunting or Kristesh have any family?
A Wiley Bunting had but his wife was dead.
Q Is any of his family living now? A I don't know, sir.
Q Is any of Kristesh's family living? A I don't know.
Q Did you work for any people out there? A No, sir; you know I was not working for anybody out there and hiding.
Q What was Dude Webber doing out there? A He was herding cattle

out there for his Mistress and I can tell you others that was out there.
Q What was his Mistress's name? A I don't know what his Mistress' name.
Q How far were you from her new ranch? A It was right in the Big Bend.
Q Did you have a house out there? A No, sir.
Q Just lived out in the woods four years? A Yes, sir, I lived in a cave.
Q On what side of the river? A I lived on the west side.
Q Any towns near? A Not as I knew.
Q You never heard of any town? A No, sir, and I never wanted to see any at that time.
Q What was your husband's name? A Louin Vann in Cherokee.
Q He was out with you? A Yes, sir.
Q Well after the war closed did you come back? A I come right down the river.
Q In a skiff? A I come back in a wagon.
Q From what point? A From the Big Bend.
Q Who brought you? A My husband brought me.
Q Just you and your husband? A And my children.
Q Where did you go to? A When I first come back I come down on Pryor Creek.
Q Is that below here? A I don't know whether it is below here; I think it is below here
Q You know where Pryor Creek is, it runs over about 20 miles and I want to know what part of Pryor Creek? A I come down on Pryor Creek to Mr.; I can't call his name just now.
Q Well how far from Chouteau? A I don't know sir, How far it was from Chouteau.
Q What town was your nearest town? A When I come back?
Q Yes. A Wasn't any town there at all when I come back.
Q Don't remember who you lived with there? A I didn't live with anybody but my husband.
Q Did you make a place down there? A No, sir, I just went down there to my mother.
Q What was your mother's name? A Sarah Ross.
Q How long did you stay there? A I stayed there two or three weeks and went to the Verdigris.
Q And how long was that after the war you made this first trip to Pryor Creek? A I can't tell you just exactly how long that was.
Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I made down here I went to Ben Grimmetts.
Q Where was Ben Grimmett living then? A He was living on Pryor Creek.
Q Was that in the spring or fall? A It was in the spring, it was getting pretty warm.
Q Did all of your family go with you? A Yes, sir; didn't have any family but my children.
Q And your husband? A Yes, sir.
Q He went with you? A Yes, sir.
In a wagon? A Yes, sir.
Q Where did you get this wagon? A I don't know he went out and got it.
Q You hadn't it there during the war? A No, sir; you never seen negroes have wagons and [illegible] about when they run off.
Q I am asking you where he got it? A My husband got it he went out and got it.
Q This first trip is when you came down to Ben Grimmitt's?
A Yes, sir.
Q How long did you stay? A I stayed all night.
Q How long did you stay? A I went back to my cave.
Q How long did you stay there? A I don't know exactly how long I stayed there when I went back.
Q What did you stay there a year? A I [illegible] stayed a little longer than a year.

Q That was after the war? A Yes, sir.
Q Did you see anybody on your trip down to Ben Grimmett's?
A Oh, I seen some Indians but I didn't stop to have any chat with them.
Q Did you see any colored people? A Yes, sir
Q Well who? A I didn't stop.
Q Where did you see any houses? A Along the road between there and Gamey, along.
Q Gamey that is up by Bird Creek? A Yes, sir.
Q Houses along there? A Yes, sir.
Q People living in them? A Yes, sir, I seen some children.
Q Well, now, where did you go to from your says after you returned there A The last time?
Q Yes. A I went down to Pryor Creek, mother had moved there and I went down there.
Q And then how long did you stay down there? A I stayed about two or three years.
Q That was two or three years after the war? A I said weeks, weeks is weeks and years is years.
Q About how long after the war was that when you went down to visit your mother? A Well, I don't know just exactly, I think it was about two or three years.
Q That is your best judgment? A To the best of my knowledge.
Q You stayed there then two or three weeks, did you?
A Yes, sir.
Q And then where did you go? A I went back to my place up on the Verdigris.
Q Was your husband alive then? A Yes, sir.
Q Did he move up on the Verdigris with you? A Yes, sir.
Q Where did he die? A He died at Pryor Creek.
Q When? A About five or six months after we got in.
Q And you afterwards married Nelson Murrell?
A Yes, sir.
Q Is any of that family, Melton's family, alive that you belonged to before the war? A There was, I guess you had my young mistress before you, had Nancy Sage.
Q Is she your young Mistress? A Yes, sir.
Q Was she the daughter of Melton? A Daughter.
Q Did he have any other children? A Oh, yes, he had a house full.
Q What was their names? A Betsy, Nan, Mary and Catherine, and George, Ed, Mose and Susie.
Q Where were they living when you run away? A Verdigris.

BY COM'R MURRAY:

Q Flora, what was your father's name? A Sonny Brown.
Q What was your mother's name? A Sarah Ross.
Q You were a slave? A Yes, sir.
Q Where is this Big Bend you have been talking about?
A Up on the Arkansas River.
Q Is it in the Cherokee Nation or Kansas? A In the Cherokee Nation.
Q Is it on what is known as the Cherokee strip? A No, sir, what is what is known as a Cherokee strip as I understand it.
Q That was in the Cherokee Nation? A Yes, sir.
Q This state was in the Cherokee Nation? A Yes, sir.
Q You never went over to Kansas hiding, then? A No, sir.
Q You say you went there three or four years? A Yes, sir; I run away four years before the war.
Q Did your owners ever hunt you up? A I guess they did, they had a reward out for us.
Q They never found you? A No, sir.

(Remainder of Application taken by Stenographer H. B. Green)

J. O. Rasson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rasson.

Subscribed and sworn to before me this 12th day of June, 1901.

(Signed) T. B. Needles,

Commissioner.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and correct copy of the original testimony on file in this case.

Jesse O. Carr

Subscribed and sworn to before me this 23th day of July, 1902.

Philip L. Hunter

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 6, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife, Flora, as Cherokee Freedmen; BOB WEBBER, being sworn and examined by Commissioner Needles, testified as follows:

Appearances: Smith, of Mellette & Smith, for applicants;
W.W.Hastings, for the Cherokee Nation.

Q What is your name? A Bob Webber.
Q Where do you live? A On Lightning Creek.
Q In what district? A Sequoyah District, Cherokee Nation.
Q What is your post-office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life, raised here.
Q How old are you? A Must be about 45.
Q Do you know Flora Murrell? A Yes sir.
Q How long have you known her? A I have knowed her ever since I was a boy.
Q You know her before the war? A Yes sir.
Q Do you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee Nation? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q How long before the war did you know her? A Long time, ever since I was a boy.
Q You knew her when the war came up? A Yes sir.
Q Where was she then? A She was out on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, just before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A Yes, sir.

Examined by Attorney Smith:

Q When did you first see her first after the war? A I met her down here on Fryar's Creek after the war.
Q How long after? A It must have been about four years after the war.

Examined by Commissioner Needles:

Q Did you know her owner? A Lewis Melton, yes, sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flora's owner? A Yes sir.
Q Did you see her there then? A Yes sir.
Q Did you see her on Big Bend before the war? A Yes sir.
Q How far was that from her owner's place to Big Bend? A About twenty miles.
Q Was she living there on the Big Bend? A Yes sir, she was scouting.

Examined by Cherokee Representative, W.W.Hastings:

Q Living in a house? A No sir, she wasn't in no house.

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:

Q State your name? A Sam Webber.
Q What is your post-office? A Nowata.
Q How old are you? A About 56 as well as I can guess at it.
Q Where do you live? A I live two miles west of Nowata.
Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then came back in '66 and have been here ever since.
Q You know Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A Ever since I could remember myself.
Q Was she a slave before the war? A Yes sir.
Q To whom did she belong? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q When did you last see her before the war, how long before the war? A Well just about the time the war was coming up, we went up to where they lived. They had a ranch up there, my old mistress had a ranch and they always sent us up there to gather up cattle.
Q Your mistress had a ranch? A Yes sir.
Q How far did you live from there? A We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up the cattle.
Q How far did you live from the ranch? A I couldn't tell you, it would take us about two days travel to go there where the ranch was, but the miles I couldn't tell you.
Q Where was this you saw Flora when you saw her? A The last time?
Q Yes? A She was in the Big Bend of the Arkansas.
Q How far was that was where Lewis Melton, her owner, lived?
A I don't know exactly, some ten or twelve miles, I guess, maybe little further, I couldn't tell exactly.
Q That was the last time you saw her? A Yes sir
Q When did you first see her after the war? A I don't know just what year really, but time it was along some three or four years I judge after the war when I met her again.
Q Where did you see her again? A On Big Creek here.
Q How far from here? A It is about nearly 15 miles, I judge.
Q Who did she come there with? A Man named James Vann.
Q What relation did he bear to her? A He was her husband.

Examined by Cherokee Representative, N.W.Keating:

Q How old are you? A I am about 56, as near as I could remember, I don't know exactly my age.
Q You were about 17 years old when the war came up, or 18?
A I was big enough to ride around and herd cattle.
Q Who went up there to this ranch with you? A Bob Webber and Jack Webber.
Q Bob was along at the time you saw this party this Bob that was a witness here awhile ago? A Yes, sir, he was older than I was.
Q He would know the dates better than you would about that time?
A I don't know about that.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your master? A No sir.
Q You didn't tell your mother? A Told my mother.
Q But you didn't tell anybody else about seeing her up there?
A No, sir.
Q You didn't testify for her five years ago, you didn't tell it then did you? A No sir.

Examined by Commissioner Needles:

Q. You knew she was a runaway? A. Yes, sir, I knowed that all right enough.
Q. But you didn't go and tell her owners where she was? A. No sir.

Com'r Needles: Nelson Murrell applies for the enrollment of himself and wife, Flora; they are both duly identified on the Kern-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1896 or on the census roll of 1896; they make satisfactory proof as to residence, - by reason of the fact that their names are not upon the authenticated roll of 1896, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this June 2, 1902.

(Signed) T. B. Needles.

Commissioner.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, states that the foregoing is a true and correct copy of the original testimony filed in this case.

Jesse O. Carr

Subscribed and sworn to before me this 30 day of July, 1902.

Philip S. Porter

Notary Public.

File with Cherokee Freedman D-843, Nelson Murrell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 18, 1901.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Mellette & Smith, of counsel for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.

Q Where do you live, doctor? A I live north about a mile of Geedy's Bluff, when I am at home.

Q What is your post office? A Geedys Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.

Q How did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee nation what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.

Q What was he? A He was a Delaware.

Q There was the first one, or how many houses along there? A After you left old man Journeycake's, the first house would be the widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John Bowen lived there, and the last house right on the road was a man by the name of Little Buffalo.

Q Were you out over the country around Snow Creek during that year? A What year, sir?

Q Now, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they were going to build this town called [illegible], and I went [illegible] maybe I would buy some [illegible] and old man [illegible] Daniel K. Hicks, and we [illegible] to go [illegible]

Q On what side? A [illegible] side, and I [illegible]

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q How low from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him? A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Mr. Smith: What did you say your name was? A Allen.

Q Dester Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in '65.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek? A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line there they were going to built that town called Parkersburg.

Q Did they built it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 25th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along down there.

Q Did they have any plat, town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man what would give me sufficient news about it to purchase any lots.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q When did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household effects.

Q Did you buy them? A I did.

Q How far was it from Journeycake's where you started to Parkersburg? A Oh, it is 25 or 30 miles.

Q And in what direction was Parkersburg from Journeycake's?

A Well sir, it is north, and I believe a little west.

Q How did you Journeycake first the second time? A Well, they didn't know where the line was.

Q They didn't know? A They knew they didn't.

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never paid attention.

Q Did you claim it on the 25th of July from Journeycake's, did you?

A Yes, sir.

Q Where did you? A I started from home.

Q Where did you live? A I lived up at Oswego then.

Q How far was that from Journeycake's? A About four miles.

Q In what direction from Journeycake's? A North.
Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Muscogee? A Yes, sir.
Q How did you travel? A I went horseback.
Q And was there a road to travel? A No, there was no road.
Q Wasn't any road? A No, I didn't follow any road.
Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
Q Once or more than once? A I only crossed it once going up.
Q And once coming back? A Yes, sir.
Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
Q Well, it is not the same distance from the Kansas line all the way long, is it? A I don't know, I never followed up the Creek.
Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
Q Well travelling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
Q And crossed the creek? A Yes, sir.
Q You didn't have to follow the creek? A No, I didn't follow the Creek.
Q You just simply crossed Snow Creek in 1869? A Yes, sir.
Q Well now that you are not prepared to say that this applicant Nelson Murrell, wasn't living on Snow Creek in '69? A. I am prepared to say I didn't see any houses nor farms in the travel.
Q But you say you only travelled Snow Creek at one point? A That is all.
Q And there wasn't any house right there? A Wasn't any houses in sight, I didn't see any houses.
Q Up or down the Creek? A No, sir.
If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you wouldn't have seen it?
A Yes, sir, if a house had been set on the Prairie a quarter of a mile from me then days I could have seen it.
Q Under favorable conditions you could have seen it? A Yes, sir.
Q That is all you know about this matter, is it? A Yes, sir.

SIMON LEVE, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hammerly: What is your name? A Simon Leve.
Q Where do you live? A Chareymore.
Q How long have you lived in the Cherokee Nation? A Ever since '63.
Q Are you a Cherokee or a Delaware Indian? A Delaware.
Q Did you come to the Cherokee nation before or after the treaty made with the Delawares and Cherokees? A After.
Q What was your father's name? A My stepfather's name was Buffalo.
Q Well, did he have any English name? A Little Buffalo they called him.
Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
Q What was your stepfather's name? A Little Buffalo.
Q Well, when you came to the Cherokee Nation, in what county in the Cherokee Nation did you point? A We came to Snow Creek about fifteen miles from Gadeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge?

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.

Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to trade up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lashbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any house there? A There was one house there that I can remember, a carpenter that built out house lived there, a man named Baker, in the fall of '68 he built our house.

Q Do you know the applicant in this case, Nelson Merrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build out house; I think that was in the fall of '68.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you knew this applicant, Nelson Merrell? A No, sir, don't remember.

Q Well, was there any tolerated people living around that section of the country that you saw when you went up to Baker's? A No, sir.

Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality of where Baker was living when you got acquainted with the Little family? A They lived southwest of where Baker lived.

Q Well, did they live nearer the river than Baker did, or further away from the river than Baker? A I think they lived a little further away, a little further east.

Q How long since you have been in that locality? A I have been in there quite a while, I don't know exactly.

Q I believe you stated you came down after the Delaware had the treaty with the Shawnees, or before, which was it? A Shawnees.

Q Did you come the same time the Delawares came, or did your father come the same time they came? A Same time, his was the first family that came down.

Q Well, Mr. Love, you and your family were among the first

Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there? A No, sir.

Q What season of the year did you come to the Nation? A February

Q When did you get a house? A Got a house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q You know this old man Nelson Murrell? A Yes, sir.

Q And you have known him a long time? A Quite a while, I don't remember just what time.

Q A great many years? A I don't remember how long.

Q Been so long you don't remember when you first did know him?

Q Been fifteen or twenty years.

Q Been longer than that, hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? A 33 years.

Q Well, now about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Sanner's.

Q How many years was that after you came down to the Cherokee Nation, that you went to Sanner's? A About '71.

Q About that? A Yes, sir.

Q You had been in that Cedar Creek country than only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Now you didn't go while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the territory from Kansas? A No, I have no definite idea, about five or six miles through.

Q You don't know you never were up the Creek than from the mouth of the creek up to the Kansas line? A Only right there along the road where I crossed Snow Creek.

Q Now where would you be going when you would cross it? A Well, up into Kansas.

Q To what point? A A place they called Elmore, on Pumpkin Creek, a trading point, or post.

Q Now what was the nearest town of any note to you in the Cherokee Nation, store or postoffice, or anything of that sort? A There was none.

Q How far did you live from the mouth of Cedar Creek? A About a mile, not quite.

Q Then you were about a mile from the Verdigris? A Yes, sir.
Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.
Q When you had to go to Kansas, what direction did you travel?
A North.
Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it heading northeast and run southwest I think.
Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.
Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?
A Well I went after that carpenter that built the house.
Q I mean outside of the carpenter and Clymore? A No, sir.
Q So when you went to Clymore you crossed Snow Creek? A Yes, sir
Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Lemman Reed Crossing.
Q Now do you know how far that is from the mouth of Snow Creek?
A I should judge about a mile and a half or two miles.
Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.
Q Now then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.
Q Now then you can't answer Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.
Q You can't swear he didn't live there? A No, I can't.
Q You can't swear there wasn't a house there? A I don't think there was a house there.
Q Except at the place you crossed? A There wasn't any houses there.
Q How about a mile up the creek or a mile down the creek? A That I can't tell.
Q You don't know, do you? A No, I don't think there was any houses.
Q Don't think, I want to know what you know, can you state upon your oath that there wasn't a house a mile up the creek or a mile down the creek? A No.

JOHN [illegible], being duly sworn by Commissioner Needles, testified as follows:

Mr. [illegible]: What is your name? A John [illegible].
Q Where do you live? A Up at White Oak.
Q That your postoffice? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 24 years; since 68.
Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.
Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well, I came here a year before they moved down here.
Q Well, what year was that in? A When I first came here, that was in 67, in August.
Q Well, when you came to the Cherokee Nation in 67 to hunt, in what period did you return? A Well we came up there about [illegible]
Q Well, was you living on Snow Creek? A I guess it went here [illegible] about there where the [illegible] mouth of Snow Creek.
Q Who was living on Snow Creek at that time, if anyone? A Well I didn't see anybody living there at all.
Q How long did you stay there? A Well, we stayed there as much as a week or ten days [illegible] along there.
Q Was there any family around there? A No, sir.

Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.

Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.

Q Were you down the Creek to where it empties into the Verdigris? A Yes, sir.

Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.

Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.

Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.

Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.

Mr. Smith: You live out here close to Vinita now? A Yes, sir. I live at White Oak.

Q About how long have you been living there? A I have been living there 16 years I believe.

Q You related in any way to Journeycake? A Yes, sir.

Q What relation? A Second cousin I believe.

Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeycake? A I lived six miles above, north.

Q Six miles north of Journeycake? A Yes, sir.

Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas called Parkersville? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.

Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.

Q What direction, west, or north? A East.

Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.

Q Twenty miles from the mouth of Snow Creek? A Yes, sir.

Q Do you know a family in there by the name of Love? A Yes, sir.

Q Where did they live? A They lived up there below Spencer Bend, what they call now.

Q Up close to Verdigris River? A Well, they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.

Q How far from the Kansas line? A I guess it must be about ten or twelve miles.

Q How far from you? A Oh about 10 miles.

Q In what season of the year did you arrive in the Cherokee Nation? A Well I think the 9th day of February.

Q Who did you come with? That is, I mean your own immediate family, your father? A Yes, my mother.

Q Well, where did you live when you first came here; did you build a house? A No, sir, I didn't build any house that [illegible] get here we stopped over until [illegible] came up in the [illegible]

Q And then built a house? A No, I didn't build [illegible] we moved over on Grand River that Spring and built a [illegible]

Q How far from this place on Verdigris? A [illegible] River, it is about forty miles.

Q Now if I understand you, you came on the Verdigris River about '67? A I want you to understand this; we didn't come down in 67, I came down here to look at the country.

Q Then when did you do? A I went back to Kansas.

Q How long did you stay? A Well, we stayed a year.

Q It took you a year to look at the country? A No, we stayed about two months here.

Q When, in '87? A Yes, sir, two months on the Verdigris.

Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days on Snow Creek.

Q Well, when did you stop on Snow Creek? A In '87.

Q What time? A In August.

Q In August, '87? A Yes, sir, I don't remember the date, but it was in August.

Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.

Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.

Q Then you was coming how long altogether, about two months?

A Two months.

Q Then you went back to Kansas? A Yes, sir.

Q How long did you stay in Kansas? A We stayed till - I left there in February, about the first of February.

Q What year, '88? A '88.

Q Where did you go? A Came down here.

Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.

Q How long did you stay in that part of the country where you first came to? A Well about two months.

Q About what time was it when you moved out of that neighborhood?

A It was about along in the first of April, somewhere along there.

Q Then did you move to Grand River? A Yes, sir.

Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at a y time soon? A I came back again before Christmas.

Q Back in there again? A Yes, sir.

Q Where were you then? A I was over there about Goodys Bluff.

Q Up about Snow Creek? A No, below there.

Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the territory, the Cherokee Nation?

A Well I can't exactly tell, it is not very far.

Q Well not just guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, the the last line they made was, I guess it was about three miles I guess from the line

Q You mean the mouth of Snow Creek? A Yes.

Q Then you camped right exactly on the Kansas line? A No, sir.

Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.

Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.

Q It has to be up Snow Creek if it was any where? A Yes.

Q Well you said you camped three miles from the mouth of Snow Creek? A Yes.

Q Then you were right exactly on the Kansas line, weren't you?

A No, I was right east; Snow Creek runs kinder east, kinder of a northeast.

Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody living there.

Q Well, there was somebody living there that built this fellow Love's house? A The Delawares never moved there till 1892.

Q You said you were back in '92; what I am asking you about, you were back there in '88, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop there, only just I was up the road, I didn't stop to look around like I did the year before.

Q Well you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek, do you? A No, sir.

Q Can't say that wasn't there in '68 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them there was no settlement there.

Q All you know is you didn't see any houses there? A It would have ti be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no coloured people.

HENRY MELTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well, I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months; what do you think about it, I want to get the facts there, about how long it had been before the war came out? A I can't tell you.

Q You and Nelson belonged to the same man, did you, before the war? A My mistress' daughter married Uncle Nelson's young master, John Rave.

Q Who did Uncle Nelson belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same Murrell that lived in Virginia part of the time and here part of the time? A I suppose that is the man, I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going southwards towards from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Chlora? A Yes, sir.
Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.
Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.
Q Where was Chlora when the war came on? A I don't know where she was?
Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.
Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.
Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.
Q What was his name? A Lewis Melton.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.
Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.
Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

Taking of testimony continued by Stenographer J. C. Rosson.

Bruce C. Jones, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of November, 1901.

(Signed) T. B. Needles.

Commissioner.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, on oath stated that the foregoing is a true copy of the testimony on file in this case.

Jesse O. Carr

Subscribed and sworn to before me this 30 day of July, 1906.

Philip Prentiss

Notary Public.

October 19th, 1901.

Taking of testimony in the matter of the enrollment of NELSON MURRELL, ET AL., C.F.-D.#548, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:

Mr. Smith, of counsel for Applicants;
Mr. Davenport, of counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Mintie Melton.
Q Where do you live, Mrs. Melton? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Herein the Nation all my life.
Q You knew the applicant, Nelson Murrell? A Yes, sir, I knew him.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.
Q Well, do you know where she was when the war broke out?
A No, sir, I don't.
Q Did she beleng to the same parties that you belonged to?
A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir .
Q Was she a slave of the same parties you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where was he when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
Q About when did you see him? A When did I see him?
Q Yes? A I don't tell exactly when it was.
Q Well, have you seen Nelson's wife after you come back after the war? A This lady he had got now?
Q Yes. A No, sir, they lived up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you don't know where she was? A No, sir.
Q Was she with her where that owned her when the war broke out? (No response.)
Q Was she at their home? A Well, I don't believe she was right at home.
Q Do you know where she was or what became of her? A I don't know where she was.
Q Do you know how she came here, what the circumstances of it was? A I guess she went off.

MR. SMITH: I object to what she guess.

Witness: She lived with Jack Melton and I [illegible]

Q Isn't it a fact that your father got her and you [illegible] this country before the war broke out?

MR. SMITH: I object to the question as the [illegible] because it is leading and the witness was [illegible] here.

Q Don't [illegible] that you [illegible]

A She was at home with me at home; I [illegible] she was

to and I never visited there.
Q Wasn't it understood by you that she and your father ran off together before the war and left the country?
Mr. Smith: I object to that.
COM'R [illegible]: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.

MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.

MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No, sir
Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:
MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same man you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stole Flory from my Masters.
Q Where did they go? A I don't know where they went.
MR. SMITH: How do you know he stole her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get off that night.
Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Zenin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.
Q And you think he [illegible] over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? A I said I was there when he brought her there.
Q Didn't you say a while ago that that is where she was when the war broke out? A No, sir.
Q Have you told all you know about this case? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR. [illegible]: Just tell the truth? A Yes, sir.
MR. [illegible]: This is the second time you have been on the stand isn't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with; where you asked that question? A Yes, sir.
Q The first time you were on the stand? A Yes, sir.
Q Did you say "I don't know, my old white man tell you?" A I said-
Q Did you say "I don't know"? A No, sir.
Q You didn't say that at all? A No, sir.

[illegible] to [illegible], being duly sworn by Commissioner Rowlett testified as follows: [illegible]
Mr. [illegible]: What is your name? A [illegible] Q. Green.

Q Where do you live, Mr. Gossett? A Muskogee.
Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.
Q Where were you mustered out? A I was mustered out at Fort Leavenworth.
Q Well, after you were mustered out there did you go? A After I was mustered out I came to the territory.
Q What part of the territory did you come first? A First I came to Cherokee Nation.
Q Near that point? A Here on the Verdigris somewhere about the Verdigris, little creek called 3 mile Creek.
Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
Q What year did you come to the vicinity of Snow Creek, Mr. Gossett? A It was '67, Spring of '67 that I came.
Q Well be it when it may when you came there, who were living on Snow creek? A/ There's anybody.
Q Was there any improvements made by anyone around there?
A No, sir, only improvements I heard of there at the time and they were little, and that I--not an improvement, but just fencing and put in a little crop of corn the year I came there.
Q How far was the improvements that you made from where Snow creek empties into the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.
Q Short distance away? A Yes, sir.
Q Are you acquainted with the applicant here, Nelson Farrell, the gentleman who sits there, the old gentleman on the front seat?
A No, sir, I am not personally acquainted with him.
Q You are a citizen of the Creek Nation, aren't you? A Yes, sir.
Q Well, during the time you lived there did anyone come in there and settled on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the Verdigris from the mouth of Snow Creek/
Q That was before you left there? A Yes, sir.
Q Was there any Indians in that part of the country before you left?
A Yes, sir
Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.
Q You did some work for him before you left there? A Yes, sir.
Q Do you remember his first name? A The young man employed me at the time, there was Simon, and Sam.
Q Where did they live with reference to where you settled, which they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
Q Were you on the north side, that I would call the north side of Snow creek, or south side? I back by such, which way you in relation the river and Snow creek? A Between the River and Snow creek.
Q How far were you away, Uncle, from the mouth of Snow Creek? A Sir, I could not tell, [illegible] It was a short distance it was just a flat.
Q Like or ten miles? A Much closer, a mile, maybe or a mile or mile and a half.
Q From the mouth of Snow creek? A Yes, sir.
Q How far was that from the mouth of Cabin creek? A I don't know exact by that time.
Q Did you hold from the time of journey? A The record through could not tell; it was all very dim.
Q Much has been taken, all out of the mouth of [illegible] A [illegible]
[illegible]

that I would say that then it would be just according to my judgment.
Q Well, when you left there did you leave for Chetopa? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, then I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
Q How far did you live from Snow creek? A I raised one little crop on Snow creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A Yes, sir.
Q About a mile or mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewhere about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q Now, how long is Snow Creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the state of Kansas? A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the state of Kansas? A I have been, but I can't tell how long the creek is.
Q So you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned? A No, sir.
Q Timber along there, wasn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that man Nelson Marrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of country? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you joint? A I joined about the 9th of August,
Q What year? A '62.
Q And how long were you in the army you say? A Iwas in the army two years and two months somewhere about that.
Q What time did that lick you out? A I got out in September, well, in about I was discharged in September, '64.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '65.
Q Well, how long stayed? A Well, from '65 until '67.
Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.
Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth. I was there, sometimes and [illegible]
Q When did you begin to be the Creek Nation after the war? A I [illegible]

Q Don't you know when it was you first went to the Creek Nation?
A No, sir.
Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
Q When? A I was in the Creek Nation in the limit, the 12 months.
Q Twelve months from when? A From April the 13th or 16th I suppose.
Q April 16th, what year? A From the passage of the treaty.
Q When was that? A '67, April, '67.
Q When you worked for Love where did he live? A Cherokee Nation.
Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
Q Just started; well, was it a house or not? A House I suppose.
Q Don't you know, don't you know a house when you see it?
A Yes, sir.
Q Was it a house or not? A Yes, sir
Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.
Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.
Q Do you know who built his house? A No, sir the house was there when I went there.
Q Do you know anything about a carpenter before that time that lived up on Snow Creek and built Love's house?
A I don't know.
Q Wasn't any living up there? A I don't know.
Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
Q People lived around there that you didn't know anything about?
A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made a part of the record in the case at bar, and it will also be made a part of the r ecord in Cherokee Freedmen doubtful cases #550, #552, #758, #925, #788 and #994.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 25th, 1901.

(Signed) T. B. Needles.
Commissioner.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and correct copy of the testimony on file in this case.

Jesse O. Carr

Subscribed and sworn to before me this 30 day of July, 1902.

Philip J. Reuter
Notary Public.

R.

C. T. D-548.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Nelson Murrell for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicant.
W. W. Hastings, attorney for the Cherokee Nation.

CLIFTON T. RUCKER, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: What is your name? A Clifton T. Rucker.
Q What is your post office? A Fort Scott Kansas.
Q What is your age? A Sixty-five.
Q How long have you been a resident of the State of Kansas?
A Forty-five years the 7th day of last October.
Q Where did you live when the war closed?
A I lived just west of Fort Scott.
Q About how far? A About five miles.
Q Live in the country? A Yes sir, on the farm.
Q Were you married at that time? A Yes sir, I was not when I came to Fort Scott.
Q Did you know a colored man up in that country by the name of Nelson Murrell? A Yes sir.
Q Do you know his wife? A Yes sir, I know his wife.
Q Do you remember her name?
A Don't know as I ever heard, don't recollect.
Q About when did you first learn to know Nelson Murrell?
A In the fall of 1866, September, I think it was.
Q How far was he living from you at that time?
A I guess he was living about a mile or a mile and half. I didn't know at that time, but I learned afterwards, that he lived about a mile east of me.
Q Did he ever do any work for you?
A Yes sir, he worked for me digging potatoes.
Q When was that? A In the fall of 1866, September.
Q See him after that time?
A Yes sir, in the spring of 1867 I saw him, at different times, and during the summer.
Q During the summer of what year? A 1867.
Q When was the last time you saw him up there?
A The last time I recollect was in the spring of 1868
Q He had a wife, but you don't remember her name?
A No, sir, I don't.
Q Did you see him at different intervals along in 1867? A Yes sir
Q Do you know whether he worked for you any in 1867 or not?
A I don't think he did. I had moved to Humboldt, a little town a mile and a half or two miles west, and a little north.
Q In 1866 or 1867? A In 1867.
Q That is when you moved?
A Yes sir, then Nelson moved west and northwest from what we called the Road, it goes by the name of Mills Road. He moved up to a place known as Todd's Place. I was there in 1867.
Q About what age man was he?
A I would take him to be about eight or ten years older than I was.
Q How old are you? A About 65. That would make him 75.
Q Guessing at it? A Yes sir.

Q Do you know where he claimed to have lived before the war?
A I think he told me. I would not be positive. My impression is that he had been in the Nation, and that he was going back to the Nation.
Q Did he say anything to you about coming down?
A Yes sir, he said if I would come down there he thought he could make it interesting. He said I would get some benefit out of it, that I could keep stock there.
Q When was that? A In the spring of 1868, if I remember.
Q Have you ever seen him down here?
A No sir, I have not, not as I know of.
Q What was he doing up there when you saw him, in 1866 and 1867?
A Farming. I could not say what he was doing in 1866, but in 1867 he was farming on this place of Mr. Todd's.
Q Did you know Joe Ross, a colored man?
A Yes, I knew him, but could not say that I remembered him until I heard his name called again. I could not say that I remembered positively, but I can describe the man he was at that time.
Q Do you know who his wife was A Said to be Nelson's daughter. That is what she told me.
Q His own daughter? A That is what she said. She worked for my wife
Q Do you remember what she worked for your wife?
A In 1867, and in 1868, I think. She done washing for her.
Q You don't remember her name?
A No sir, only what I have heard. I didn't remember the name but I was told that was his name, that same man that I knew on the place his name was Joe Ross, and his wife was named Sarah. I could not say positively, but that is what I have been told. The name had slipped my memory. She claimed to be a daughter of Nelson Murrell.
Q You knew this fellow up there for the same length of time that you knew Nelson Murrell? A Yes sir.
Q Married into his family? A Yes sir.
Q His wife was Sarah? A Yes sir.

MR. MELLETTE: Your name is C. T. Rucker? A Yes sir.
Q How old are you? A Sixty-five past.
Q Have you ever been a witness in this case before? A No sir.
Q When were you first asked as to what you remembered about Nelson Murrell. A I think it was week before last.
Q What were you asked about?
A Asked about some colored fellows, about some other case, and I told him who I knew.
Q How long has it been since you remember of seeing Nelson Murrell, how many years?
A From about 1868, that would make it about 34 years.
Q Did you ever have your attention called to the last time you seen Nelson Murrell up to a few weeks ago?
A Yes sir, often talked about it.
Q What made you remember Nelson Murrell?
A The first thing, he was a good hand to work. I was speaking about digging sweet potatoes, and I had some fine ones that year, and I remembered about him digging sweet potatoes.
Q You told lots of people about Nelson Murrell digging sweet potatoes in 1868? There was no reason why you should remember when you last saw him, was there? A No, nothing particular.
Q He was a colored man? A Yes sir.
Q He worked for you very little? A Very little, but I was him at different times.
Q How much work did he do for you? A Worked several different times.
Q What year? A In 1866.
Q Several times in 1866? A Yes sir.
Q You are certain about that? A Yes sir.

Q What month? A September.
Q You remember back 24 years and remember the month he worked?
A Yes sir.
Q Can you remember everybody you saw during the month of September, 1866? A No sir, I can't remember every fellow.
Q Why can't you?
A My attention was not called to it? A My mind was not on it/
Q Do you recollect every person that you had seen during the month of September, 1866? A No, sir. I can remember Nelson Murrell, because my attention happened to be called to him, being a colored fellow.
Q Just worked for you a few days? A Yes sir
Q Anybody else work for you in September, 1866? A Yes sir.
Q Who? A My brother-in-law, Bill James, I think that was the only one.
Q Will you swear that you didn't have anybody else working for you that year? A To the best of my knowledge I did not.
Q You ought to remember now, You say Nelson Murrell did work for you? A Well, I heard the fellow's name mentioned, and I remembered.
Q Where did you live in 1866?
A On the farm a little west of Marmaton.
Q Where was Nelson Murrell in 1866? A In Marmaton.
A I am only giving what I was told. In Hell's Bend, west of Fort Scott. That is the name they gave it.
Q You don't know of your own knowledge? A No sir.
Q You don't know whether he was in the Territory or not? A No sir.
Q Now at the time you knew him in 1867, did you watch him all the time? A I didn't watch him.
Q Was he absent during that year? A I couldn't say that.
Q You don't know whether he was absent from that country during the year 1867 or not? A No sir.
Q He might have been absent? A Might.
Q You don't claim that you watched him all the time? A No sir.
Q You didn't work with him in 1867? A I don't think I did.
Q Where did you live in 1867? A Marmaton.
Q Where did he live? A On John Todd's place.
Q What makes you think that? A I saw his family there.
Q When did you see them there? A In 1867
Q When? A Along in the spring of that year.
Q What month? A I don't remember the month, it was after the winter was over.
Q It must have been February? A No, later.
Q March? A About April or the first of May.
Q You will swear it was April or the first of May?
A I would not swear positively.
Q You are positive you saw him either the last of April or the first of May? A Yes sir.
Q You remember back 24 years or seeing that colored fellow there himself in April or the first of May, 1867? A Yes sir.
Q You are positive? A Yes sir.
Q Can't be mistaken? A Can't be.
Q You don't know the name of his wife? A No sir.
Q Why can you remember about seeing them there the last of April or the first of May? A I saw Nelson in 1866.
Q I am talking about the family? A Because his daughter washed for my wife.
Q When? A Right along.
Q What week did she wash for your wife during May, 1867?
A In the first week of May, 1867, I think it was. I think she quit shortly after that.
Q She washed the first week in May, 1867, thirty-four years ago, and that she quit shortly after that? A Yes sir.
Q What makes you think that?
A Because my house got burned, and she washed for us right up to that time.

Q When did your house burn? A On the 8th day of May.
Q She washed for you right up to the time the house got burned?
A Yes sir.
Q Washed for you before that? A Yes sir.
Q Did she wash for you in the month of April? A I think she did, my memory is not clear.
Q Who was it washed for you?
A Said to be this here Nelson's daughter, and wife of this here, well, I had forgotten his name, he claimed to be Joe Ross. I did not recollect the name of Joe Ross until my attention was called to it.
Q You have never seen Nelson Murrell since 1862?
A No sir, not that I know of.
Q You don't know whether the Nelson Murrell that you claim to know if the Nelson Murrell that has applied here?
A I don't know that.
Q You don't know Joe Ross, and don't know whether it is the same man
A I know him, but it had slipped my memory.
Q You don't know whether you would know him by sight or not?
A No sir. I have a pretty good recolection and description of the man.
Q How many time did you see Nelson Murrell during 1867, up there in Kansas?
A I could not say. Might haveboen him a dozen times, may not more than three or four times. I never paid much attention to it.
Q Any reason why you should pay any attention to it?
A Nothing at all.
Q He didn't work for you in1867?
A I think he wanted to do some cutting and sawing wood.
Q This man, come to the house in 1867? Did he ask you to saw wood?
A Yes sir
Q Where was that? A At Marmaton.
Q Come to your house? A Yes sir.
Q What day? A I could not tell you that.
Q What week? A I think it was the first of May--no, sometime along in February.
Q You said the first of May? When did he come to you and ask to saw wood? A I could not tell you.
Q You said awhile ago the first of May?
Q That is the last time I had any work gotten out at that place. I didn't give him any work to do sawing wood.
Q How far is that from the line of the Cherokee Nation?
A Just be about sixty miles.
Q You don't know whether he came to the Cherokee Nation during that time? A I do not.

B. F. FORTNEY, being first duly sworn, and being examined, testified as follows:

MR. MARTINEZ: What is your name? A B. F. Fortney.
Q Where do you live?
A I live eight miles west of Fort Scott, on the farm, in Bourbon County, Kansas.
Q What is your age? A I am sixty-seven years old, past.
Q Where were you born? A Virginia, now West Virginia.
Q Where were you during the war?
A In Illinois. Part of the time in Warsaw and part of the time in Quincy. Two years in the army, in the regular Quartermaster's service.
Q When did you go to Kansas? A November, 1867.
Q What place did you go to? A To the place I now live on, Marmaton.
Q How far from Marmaton? A Two miles out of it, on the road to the County seat.
Q Did you know a colored man up there by the name of Nelson Murrell?
A Yes, sir.

Q When did you first become acquainted with him?
A Met him there in November, 1867.
Q Did he have a family, Nelson Murrell? A Yes sir.
Q Wife? A Yes sir.
Q Do you remember her name? A We called her Aunt Liza.
Q How long did you know Nelson Murrell there?
A All of one year, and part of another.
Q Did you know him the next year, 1868? A I knew him in 1868.
Q How far did he live from you?
A About eighty rods, or ninety rods, a quarter of a mile we called it.
Q Did he ever do any work for you? A Yes sir.
Q What kind of work? A General farm work, harvesting and helping about the farm.
Q Did you run a reaper in 1868, the next year after you went there?
A Yes sir.
Q Did you do any work for Nelson Murrell? A Yes sir.
Q What? A Cutting his grain, hay, grass, or rather, cutting his grass to make hay. I harvested his wheat for him, and some oats.
Q During that time did you have occasion to see him frequently, he and his family?
A Every day. Just like living across the block from one another Could see some of the family every day.
Q Ever miss him from there any considerable length of time during that time?
A I don't remember that my attention was called to his absence.
Q Did you ever see Nelson Murrell in the Cherokee Nation? A Yes,
Q Where? A I think some nine miles from Coffeyville out on the Verdigris river.
Q Is that the same Nelson Murrell that you knew in Kansas?
A It was, yes sir.
Q Did you know a colored man by the name of Joe Ross? A Yes sir.
Q Was he married man?
A He was so reported. He lived with a woman he called his wife.
Q Do you know her name?
A Believe it was Sarah, would not state positively.
Q Do you know what relation, if any, she were to this other family?
A It occurs to me that she was a step-daughter of Nelson Murrell's. I was so informed by the family.
Q Was Joe Ross living up there when you came to Kansas? A Yes sir.
Q How long did he continue to live there?
A Not so long as Murrell.
Q He had gone before Murrell? A Yes sir, I don't know where he went.
Q About how long after you came there before he went away?
A I don't know whether he went in the spring, summer or fall of 1868, but he absented himself anyway, during that year, I think it was during that year 1868. It might have been later, might have been in 1869. I think it was sometime during 1868. I have nothing to call my attention to it, as he did not work for me any that I now remember of.
Q Nelson Murrell did work for you?
A Yes, sir, and I worked for him.
Q This is the same Nelson Murrell that you saw down near Coffeyville in the Cherokee Nation? A The same man.
Q You never was around Marmaton before the fall of 1867.
A Never in a hundred miles. I was in Kansas City, but never in that part of Kansas.
Q You know Mr. C. F. Mather? A Yes sir.
Q Did you know him in Kansas?
A He was living in Kansas, and I being a single man I boarded with him part of the winter of 1867-68.

MR. MILLWEE: How far is it from where you used to know Nelson Murrell, in 1867, to where you saw him in the Cherokee Nation?

A I am not acquainted with it. I don't know how many miles it is from Bourbon County over to Coffeyville. It is probably eight or nine miles through Bourbon County.
Q Is it fifty miles from where you lived there in 1867, in Kansas, to Coffeyville?
A Probably a hundred miles or more.
Q What do you think about? A I don't know very much about it. I would say a hundred miles anyway.
Q Is Coffeyville the nearest point to the Cherokee Line from where you live? A No sir.
Q What is the nearest place? A A straight line projected would be the nearest place.
Q Where would it strike the Cherokee Nation?
A I believe about fifteen miles east of Chetopah.
Q Is Bourbon the second county from the line, the Cherokee Nation line.
A The third county, I believe.
Q How far are those counties across? A I think about 25 miles. Cherokee County is the first, probably a little over 25 miles; then Crawford County, then Bourbon County.
Q You don't know where Nelson Murrell was in 1866? A No sir.
Q Did you watch him very closely after you got acquainted with him?
A No sir.
Q Do you know whether he was absent from that country for any particular length of time or not? A No sir, I do not.
Q He disappeared from there shortly after you went there?
A Yes, sir, he moved away.

This testimony will be filed with and made a part of the record in the folewing Cherokee Freedmen cases:
D-542, D-544, D-549, D-551, D-739, and in the case at bar.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

(Signed) Wm. Hutchinson.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and correct copy of the original testimony on file in this case.

Jesse O. Carr

Subscribed and sworn to before me this 30. day of July, 1902.

Philip Reuter
Notary Public.

F. D-548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 29, 1902.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedman.

SUPPLEMENTAL TO D-548.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

G. W. LANE, being first duly sworn, testified as follows:

MR. SMITH: State your name? A G. W. Lane.
Q Where do you live, Mr. Lane? A I live at Seminole, Cherokee Nation.
Q How long have you lived there? A I have been living in the vicinity there about since '75.
Q What's your age? A 49.
Q Where were you in '66? A I was in Texas in the spring of '66, and came through with a herd of cattle, starting on June the same year.
Q Well when did you reach the Cherokee Nation? A Reached the Cherokee Nation, that is up here, it was in August, '66.
Q August, '66? A Came through, drove through the Territory here, don't know whether it was the Cherokee Nation or not, but it's been in the Cherokee Nation I have found since, and suppose in the Osage country.
Q About how old were you then? A About fourteen.
Q Do you know old man Nelson Murrell? A Yes, sir.
Q When did you first become acquainted with him? A Well, to be intimately acquainted with him, I saw him, met him, that is late in the fall of '66, when I was on, that is up on the creek there, with a herd of cattle, and I became acquainted with him about four years afterwards I guess it was.
Q Well what creek was that where you saw him? A Snow Creek.
Q In what Nation? A Cherokee Nation, that is it was running where I saw him, Snow Creek runs into Kansas.
Q Well what were the circumstances of your meeting with him or seeing him on Snow Creek in '66? A I was taking care of cattle during the summer when we came up from Texas; we were going through to the Kansas line, and the law provided that we couldn't get into Kansas until November, and we landed about September, but we camped waiting until we could take them into the State of Kansas, and in the mean time we stayed on the Kansas line; we camped along anywhere, anyhow, from September until November or the latter part of October, when we started through to Baxter Springs with the cattle, and I fell out with the man that I was with, and they give me the head of some six-shooters, and I run off and left them, and drifted back down in the Territory, and I didn't live with a soul along till, I met the brothers that I got acquainted with for a couple of months, and I fell back down where we had some of our cattle down to old man Liberty's, and old man Canady, cattle men, that did his best and kept the boys from killing me, and after I ran away I came back there, and happened to get acquainted with old man Liberty while we was herding up there; I stopped at his house for a few days to see where I would go to, and while I was there this old man Murrell came there in company with some other freedmen; I don't know as I ever saw them since; if I did I didn't get acquainted with them.--At old man Liberty's house I was there, and I left old man Liberty's, stayed there probably a week, and went to old man Canady, and they were

herding cattle just north of where the Kansas line comes there, and I stayed with him all that winter, herded for him and taken care of cattle, and in the summer of '67 I went across on Turkey Creek and worked, stayed with a white man by the name of Campbell until '68, and I went to Chetopa in the fall of '67, later in the fall of '67, I went to Chetopa, and I stayed in Chetopa from that until '72, and I came back to Snow Creek and got acquainted with this old man Murrell and I have been acquainted ever since.

MR. HASTINGS: You are a colored man, are you? A Yes, sir.
Q Where do you live? A I live on the Iron Mountain Road six miles south of Coffeyville.
Q How far is that from Snow Creek? A About two miles west.
Q How far is that from where Nelson Murrell now lives? A About a mile and a half I guess or probably two miles from my farm.
Q Do you know, Nelson Murrell was an applicant before the Kerns-Clifton in 1896, wasn't he? A Yes, sir.
Q You didn't think then to make this statement for him? A No, it wasn't necessary.
Q You hadn't thought; this investigation has been going on for more than a year since the first of April of last year, and you never have told this before, have you? A No, it wasn't necessary.
Q Never have told it? A No, sir.
Q Who was your first wife? A Her name was Florence Vann.
Q What kin was she to Nelson Murrell; Nelson Murrell her step-father? A Stepfather, yes, sir.
Q And your wife was a step-daughter of Nelson Murrell? A Yes, sir.
Q How long did you see Nelson up there when you first saw him? A I didn't see him--he was there just came like anybody else, stranger, I didn't know no colored person.
Q And just passed on? A Yes, sir, he just came to old man Alberty's and I was acquainted with old man Alberty then; didn't even learn his name at that time.
Q You didn't see him any more until '72? A I know I moved over there and known him since '72.
Q When did you first see him? A Saw him in about '69 I think, I saw him again, when I was over there making hay.
Q Where was he then? A He was at a little station, little Osage trading post that they called Claremore.
Q When did you see him live in the Cherokee Nation? A The first time I ever saw him was at his house, was right where he lives now.
Q When was that? A That was in '69 I think, or '70.

THOMAS SCOTT, being first duly sworn, testified as follows:

MR. SMITH: What's your name? A Thomas Scott.
Q What is your postoffice? A Coffeyville, Kansas.
Q How long have you lived there? A Why I couldn't really tell just exactly how long; we come up in that country the year after the war.
Q Do you know old man Nelson Murrell? A Yes, sir.
Q How long you known him? A I have known him ever since the year after the war.
Q Where did you first meet him? A I don't just exactly recollect where the first time I did see him, but I really got acquainted with him in the Nation.
Q You don't remember the place? A No, sir, I don't just exactly remember the place the first I seen him at all.
Q Do you know what year it was in? A No, sir, I don't remember that years back that far because I am uneducated and I couldn't tell nothing about what year it was, I can't tell you.
Q Where were you during the war yourself? A In Texas.

Q Do you remember when peace was declared? A No, sir, I don't exactly.
Q You know when the war closed? A Well I can't tell you because I didn't know the years you know.
Q I am not asking you the years, but I am asking you if the fact, if you remember the fact of the time when the war closed, not the date but the fact that it did close? A Yes, sir.
Q Well now how long after that was it before you came to the Nation from Texas; that's what I want to know? A Well it was, we stayed there till the next spring, the next spring, and the war closed, and we came away the next spring.
Q Did you come within a year after the war closed? A Yes, sir.
Q How long was it after you got back before you met with Nelson Murrell? A Well just something, along in the fall like.
Q Been knowing him ever since? A Yes, sir.
Q Where has he been living? A Been in the Cherokee Nation.
MR. HASTINGS: How old are you? A Why the best of my knowledge I am 51 years old the 18th of June.
Q Do you know what year you first saw Nelson? A No, sir.
Q You don't know whether it was '95 or '36 or '46? A I have done said I don't know.
Q You don't know one year from another? A I guess I know one year from another .
Q Well do you know whether it was '36 or '46? A No, sir, I done said I don't know what year it was.
Q Who owned you? A Old man Jim Skaggs.
Q You have been living in Coffeyville ever since? A Why I don't live in Coffeyville now.
Q Well where were you living when you first knew Nelson Murrell? A Living in the state of Kansas.
Q Well what town? A Wasn't any town there; lived on the Verdigris river.
Q How far from the line? A Why they called it two miles, two and a half.
Q Did he have a wife when you first saw him? A No, sir, he didn't have a wife when I first seen him.
Q Didn't? A No, sir.
Q Was he just by himself? A As well as I can recollect he was by himself.
Q Where did you see him? A I couldn't tell you just the place where I did see him.
Q How long did you see him the first time? A Why we would meet one another and talk a little while and pass on.
Q How long before you saw him again, five years? A Why whenever he settled his place, I was renting of it, that was my place, I would go down to see him.
Q You don't know what year that was? A No, sir.
Q You don't know what year the war closed? A No, sir, I don't know.
Q You married? A Yes, sir.
Q Who did you marry? A Married a woman by the name of Alice Grannes.
Q Who did you come from Texas after the war with? A Came with my uncle, one of old Skagg's sons.

Author C. Grainger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur C. Grainger.

Subscribed and sworn to before me this 11th day of July, 1902.

(Signed) P. G. Morey
Notary Public.

8D876.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 31 1902

ACTING CHAIRMAN

Jesse O. Carr, Stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and correct copy of the original testimony filed in the above entitled matter.

Jesse O. Carr

Subscribed and sworn to before me this 30th day of July, 1902.

Phillip Ly Rentier

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 26, 1901.

In the matter of the application of John Carter for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

John Carter, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John Carter.
Q How old are you? A 45.
Q What is your post office address? A Coffeyville, Kansas.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Nobody.
Q Your name upon the roll of 1880? A It ought to be, I don't know whether it is.
Q The question is, whether it is or not? A It was there once.
Q Is it there now? A I don't know.
Q You know whether your name is on any of the rolls of the Cherokee Nation? A Yes, sir.
Q What roll? A On the Kern-Clifton roll and the Wallace roll.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kern-Clifton roll examined and the applicant identified thereon, page 150, No. 3708, Cooweescoowee district;
The Wallace roll examined and the applicant identified thereon, page 106, No. 2270, Delaware district.
Q What is your father's name? A Moses Carter.
Q Is he living? A No, sir.
Q What is your mother's name? A Sallie Ross.
Q Is she living? A No, sir.
Q Where were you born? A Born at Tahlequah.
Q Have you got any witnesses here? A Yes, sir.
Q Who? A Nelson Murrell and Chambers.
Q What Chambers? A Charlie Chambers.
Mr. Smith: Were you born a slave? A Yes, sir.
Q Who did you belong to? A Allen Ross.
Q Was he an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Where did he live? A Tahlequah.
Q Where were you when the war commenced? A I was there I guess.
Q Have you any recollection of when you came back? A No, sir.
Q Where have you been living, as far as you can remember? A Been here in the Territory all the while.
Q In what Nation? A Cherokee Nation.
Q Have you a place in the Cherokee Nation, any farm? A Yes, sir.
Q Where is it? A Twenty miles from here close to Gerty-ville.
Q How long have you had it? A A good long while, I don't know how long. I have had it most of my life, ever since I have been big enough to have one.
Q Where have you had one? A In Cooweescoowee district and Delaware district and over in Tahlequah district on Ranger Creek.
Mr. Hastings: Who did you come back with after the war? A I came back with Moses Carter, my father.
Q How long did your father live after the war? A After the war I don't know how long he did live, I was too small.

Q About how long? A He lived six or seven or eight or ten years after that I know, I never kept any account of that, I never thought of anything like that, I was too small to keep any such things.

Q Do you remember yourself personally coming back to the Nation after the war? A No, sir, I don't hardly.

Q And then the first you remember was being here after the war? A Yes, sir, I remember that.

Q Now when you can first remember, where were you in the Cherokee Nation, if you know? A When I first remember, my father and all of us where home.

Q Where? A Some place in the Territory over here east, I believe on Horse Creek.

Q How far from Vinita was that? A I don't know exactly how far it is, I can't tell you how far from there to Horse Creek.

Q Living in a house over there? A Yes, sir, had a little shanty over there.

Q That is when you can first remember? A First remember, yes, sir.

Q How far was that from Chetopa? A I don't know nothing about it, I never was over there to Chetopa and never heard any talk of Chetopa.

Q How far from the mouth of Horse Creek? A I don't know that.

Q How far was that to your nearest neighbor? A I don't know, I can't remember nothing about any neighbors or anything of the kind.

Q How long did you live on Horse Creek? A Part of the summer I guess or the whole summer and winter.

Q Make a crop? A My father made some kind of a crop and left.

Q On whose place? A On his own place, he made a little place I suppose, that is what I heard him say.

Q Do you remember being there? A I can remember having there good enough, and we moved back up.

Q What specially do you remember? A The racket with the indians all the time.

Q With whom? A I don't know who they were, I can't tell you that, I was small, and my father was glad to get away from there.

Q You know whether it was on the head of Horse Creek or not? A No I can't tell you that, it was on Horse Creek, that is what they said.

Q On what side? A I can't tell you whether on the east or west side.

Q In the Prairie or timber? A Some prairie and some timber.

Q Your house on the prairie or timber? A In the timber; all the darkies built as close to the woods as they could get when they came here.

Q You don't remember who was living about you? A No, sir.

Q Where did you go from Horse Creek? A We came to Geese Neck.

Q Geese Neck Bend? A Yes, sir.

Q That was in the summer then, was it? A It was in the fall I guess, seem like to me it was in the fall.

Q Do you remember who you first saw up there? A Yes.

Q Who was that? A The first man I saw up there I think it was, I don't know, I saw Nelson Murrell the first man I saw to know anything about, Nelson Murrell and Sam Fox and Joe Ross were living up on Snow Creek.

Q How far is Geese Neck Bend from Snow Creek? A About three or four miles away.

Q Did you locate up there on Geese Neck Bend? A Yes, sir, our old place is there now.

Q That was the first time you saw Nelson Murrell after the war, was it? A Yes, sir, I guess the first time I ever did know him in my life.

Q The first time you ever saw Sam Fox? A No, I guess Sam Fox saw me before but I didn't know anything about him.

Q Was Nelson Murrell livig there at the time? A Yes, sir.
Q Whose places did he pass from Horse Creek going up to Goose Neck Bend? A I don't know.
Q Remember passing any? A No, sir.
Q Don't remember anybody's name? A No, sir.
Q Who was your nearest neighbors you said up on Goose Neck Bend?
A Our nearest neighbors, Manuel Taylor was one.
Q He was living there then? A Yes, sir.
Q How far from you? A About a mile or two, we lived in the bottom and he lived on the edge of the prairie.
Q Was he living in a house? A Yes, sir, he had a kind of a shanty there.
Q Have a little field? A I think he did, I don't know about that.
Q Did all them people have some crops in that year? A All that I saw.
Q Raise corn? A Yes, sir, I carried corn from Joe Ross' home, to get bread; didn't have any bread.
Q How far was that from your place? A That was about two or three miles, as I told you, that was in what they called Snow Creek neighborhood.
Q What size field did Joe Ross have? A About eight or nine acres looked like to me.
Q Did Joe Ross live on Snow Creek? A Between Snow Creek and Goose Neck.
Q How long did you remain at Goose Neck Bend? A I stayed there till my father got killed.
Q Who killed your father? A Josh Lowrey.
Q Was he ever tried for it? A Yes, sir.
Q Where? A Fort Smith.
Q Josh Lowrey alive now? A No, sir.
Q Did they hang him, or what? A No, sent him to the pen I guess, I saw him after he came back.
Q Know whether Josh Lowrey is a citizen or not? A Yes, sir, so said to be.
Q Well then, where did you go from there? A I went to Snow Creek after my father got killed, to my brother's.
Q What was his name? A Ed Ross.
Q Where did you marry? A I married at Snow Creek.
Q Who married you? A Joe Smith, a man staying over there.
Q Have you been back to Kansas since you have been here? A Yes, sir, I live right near Kansas and go there every day I get a chance to go there, and stay there as long as I can.
Q You stayed there as long as you could after the war? A No, sir, I don't know, I ~~xxxxxxxxxx~~ did from what I can hear.
Q You remember what year it is you went up to Goose Neck Bend?
A No, sir, I was just beginning to know what figures is, I didn't have no education here.
Q I thought you lived down to Tahlequah a while? A I did.
Q When did you live down there? A I went there for a year, left Goose Neck, and went to Grand River, and went on to Tahlequah to see my brother Stick Ross, and stayed there.
Q How long did you stay there? A Two or three years, going to seminaries, you remember me there, you saw me there, we had a team and a cannon there all the time, when we were running Stick for Council.

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Taking of testimony continued by Stenographer Thomas Kane.

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John Carter - 4.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of July, 1901.

Commissioner.

Application of John Carter.

Continued from Stenographer [illegible] J. [illegible].

[illegible], I. T. June [illegible] 19[illegible].

* * * * * *

[illegible], called and sworn as a witness for the applicant-

By Mr. Smith-

Q What is your name? A. [illegible]
Q How old are you? A. About [illegible].
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know the applicant John Carter? A Yes sir.
Q Did you know his [illegible]? A. Yes sir.
Q What was his [illegible]? A. [illegible].
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. David Carter.
Q [illegible] wife? A. [illegible]
Q Who did [illegible] belong to? A. [illegible].
Q Was he a Cherokee [illegible]? A. Yes sir.
Q Where did she live [illegible] before the war? A. At [illegible].
Q Were they married? A. Yes sir.
Q Was John Carter, the applicant, born a slave? A. Yes sir.
Q What became of him during the war? A. He was taken north.
Q Who took him? A. [illegible].
Q Do you know where they went? A. Fort [illegible].
Q Do you know when the applicant John Carter returned to the Cherokee [illegible] after the war? A. [illegible].
Q When did you first see him in the Cherokee Nation after the war? A. I seen him in 18[illegible].
Q Where? A. I should have said 186[illegible], I wish to call my word back, it was 18[illegible].
Q What time in the year? A. Spring of '[illegible].
Q Where was he then? A. [illegible] river.
Q What was he doing there? A. His father come there to get something [illegible].
Q [illegible]? A. No sir.
Q Where is his father now? A. He died, or was killed.
Q How long since his father was killed? A. [illegible] long.
Q [illegible]? A. [illegible] years [illegible].
Q [illegible]? A. [illegible] Cherokee Nation [illegible].
Q How long [illegible]? A. About [illegible] ever [illegible] since [illegible].

By [illegible]-

[illegible]

Q [illegible] after war? A. Yes sir.
Q [illegible] A. Yes sir.
Q [illegible] of him all [illegible] and [illegible] him [illegible] A. (No [illegible])

By the Commission:

Q Do you know if the applicant's mother ever returned here after the war? A. No sir she did not.
Q Did his father return? A. Yes sir.
Q When? A. I dont exactly know when he did return.

Charles Chambers called and sworn as a witness for the applicant.

By Smith:

Q What is your name? A. Charles Chambers.
Q How old are you? A. About [illegible] years old.
Q Where do you live? A. [illegible]
Q What is your post office address? A. [illegible]
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Did you know [illegible]? A. Yes sir.
Q Did you know his [illegible]? A. Yes sir.
Q Did you know his [illegible]? A. Yes sir.
Q Was [illegible]? A. Yes sir.
Q [illegible]? A. [illegible]
Q Was he a [illegible]? A. Yes sir.
Q Do you know [illegible] out of the Cherokee Nation during the war or [illegible]? A. [illegible] I believe he [illegible]
Q [illegible]? A. No sir.
Q When did you first [illegible] after the war? A. After the war I [illegible] on [illegible] at the [illegible]
Q [illegible]? A. [illegible]

By Gov't Counsel.

Q How old were you then? A. Quite a boy.
Q Wasn't grown? A. No sir.
Q Did his father [illegible] during the war also? A. Yes sir I think so.
Q Do you know when he returned? A. No sir I dont.

By [illegible]

[illegible]

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[illegible] being duly sworn, states that as stenographer [illegible] to the [illegible] [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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proceeding in the above cause and that the foregoing is a full, true and correct transcript of the stenographic notes thereon.

Subscribed and sworn to before me this the 18th of July, 1921

Court reporter.

File with F. D-676.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 15, 1902.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

APPEARANCES:
Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKEMS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. H. Nickems.
Q What is your age, Mr. Nickems? A 64.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Yes, sir.
Q Where were you living when the war closed? A When it closed?
Q Yes, sir, say in '65? A I lived five miles west of Scott.
Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.
Q Were you married then? A Yes, sir.
Q Living on a farm? A Yes, sir.
Q Did you know a colored man by the name of Nelson Murrell?
A Yes, sir.
Q When did you learn to know him? A It was about the latter part, I don't know just exactly what month it was, of '65.
Q Was he living in the country or in town? A He was living in the country.
Q On whose place, do you remember? A On Isaac Allen's place.
Q How far did you live from him? A Oh, hardly half a mile, I would say half a mile.
Q Did you know Joe Ross? A Yes, sir.
Q Where did he live? A Why it was said that he lived with his father-in-law, I believe they called him.
MR. SMITH: I object to anything that was said unless you know Nelson was his father-in-law.
MR. HASTINGS: Well, you knew him anyway? A I knew him.
MR. SMITH: The counsel for the applicant objects as to the witness's statement as to where Joe Ross lived because he does not state from his own personal knowledge.
MR. HASTINGS: You do state of your own personal knowledge that you knew him? A I knew him.
Q And he lived around there somewhere? A He lived, he stepped-
MR. SMITH: I object to that because it is a leading question.
WITNESS: He stepped there where his father-in-law lived.
MR. HASTINGS: How long did you continue to know Nelson Murrell, how long did he live on that place, Allen place? A I think he moved in '66, about the first of the year, it might have been that it was a little later or a little earlier.
Q First of what time? A '66.
Q Of '66? A It might have been that it was just the latter part of '65 that he moved; I know that he lived there right on the same place till he moved.
Q And where did he move to? A He moved about four miles and a half west of me on a farm that was known by John Todd's farm.

Q Did you live between him and town at that time after he had moved? A Yes, sir.
Q Did you ever have occasion to see him after that time? A Yes, sir, I see Nelson after that.
Q Well, for how long did you continue to see him? A It was in '67 sometime; I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott, why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.
Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.
Q Well, how long did you continue to see him up there? A I think it was in '67, the last that I ever recollect seeing of him; I might have seen him later than that.
Q You might have seen Nelson Murrell later than that? A Why I might have.
Q That's as late as you remember? A Yes, sir.
Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.
Q Do you know where he claimed he was from? A He claimed he was from the Nation.
Q How far was that from the Cherokee Nation? A Which?
Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.
Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.
Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.

MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '67.
Q How about Joe Ross? A I saw him in '67.
Q Which was the older of the two men? A Nelson.
Q Was he a married man or a single man, Nelson? A Married man was what was my understanding.
Q Well, did you know his wife? A No, sir.
Q Don't know what her name was? A Do not.
Q Where have you been living now ever since that time? Ever since the war closed? A Living on a farm that I bought in '65, five miles west of Fort Scott, and still remain there.
Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.
Q Do you remember when all of them left or when each one left?
A I don't remember just when they left there, there is quite a good many of them that I know.
Q Well, you don't know if it's true that you saw Nelson Murrell in '67 you don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.
Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.
Q He may have left there sometime during the year of '66?
A Yes, sir, he might have done, but I think it was the latter part of '65 or perhaps it was the first of '66.
Q Well, all you can testify to is that you saw him there in Kansas as late as '66, you don't know where he was before that all of the time? A No, I don't know where he was, but I know where he lived or where he said he lived, I don't know just where he was.

Q You don't know where he lived except from what was said?
A Oh yes, sir, I knew where he lived, he lived on the John Todd farm, and he lived on the Allen farm that I knew of from '65 to '67.
Q Were you ever on the John Todd farm when he lived there? A. Yes, sir.
Q Well, did you see his house? A Yes, sir.
Q See him? A I seed his house.
Q You didn't see him though on the John Todd farm? A I see the house on the John Todd farm, and my understanding was that Nelson lived there.
Q That was just your understanding; you didn't know it personally?
A Oh I seed them about the place, I knew them well enough when I was passing there, I knew them when I seen them.
Q Why of course you knew them, but did you see them when you was passing there? A Yes, sir.
Q Well, who did you see? A I see Nelson there.
Q Who else? A Why I have seen the family.
Q Well, you didn't know his wife? A No, sir.
Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.
Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.
Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.
Q What is your occupation? A Farmer.
Q Live in Kansas? A Yes, sir.
Q Lived there ever since the war closed? A Yes, sir.
Q Well, now, how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.
Q Well, did Nelson work for you? A No, sir.
Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm.
Q Well, Mr. Nickens, how long had it been since Nelson Murrell had moved from that community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about the date; how long had he been gone? A Why, I don't recollect, my recollection is just what I knew about the folks.
Q Well, nothing was said to you one way or the other about the time he left until a short time ago, was there? A Why I knew what time, or about the last time I seedhim, I don't pretend to say that he left at that time, but the last time I do say I saw him was in 1867.
Q Well, how many years elapsed before you had a conversation with anybody relating to the time he left? A I couldn't tell you just exactly how many.
Q Well, was it thirty or thirty-five? A Oh twenty-eight or thirty years, some place along there.
Q Well, then, if it was twenty-eight or thirty years, with whom did you have the first conversation about that date? A I don't know as I recollect who I told, we might have talked about these folks, because there were parties of these folks that worked for me.
Q Well, there was Nelson, you wasn't talking about him, he didn't work for you did he? A No, sir.
Q Who did you first talk with about Nelson Murrell twenty-eight or thirty years afterwards? A The first talk I had was last fall I believe in regard to Nelson.

Q Well, who did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Well you didn't remember then just when Nelson had left there did you? A I knew that he left there in '67.
Q What means did you have to refresh your recollection, if any, as to the time when he had gone? A I saw the man in '68, and I saw him in '67, my recollection is good enough to know when I saw a man at that time why I don't forget it?
Q You didn't have any business transaction with him at all, did you with Nelson Murrell? A No.
Q Now about thrity years afterwards you just remember, dry so, whether he had left there in '65 or '67? A I recollect that is the last that I saw him, I don't know when he left there, but the last time that I saw this man was in '67 and I saw him in '68.
Q You had nothing to fix that on your memory just except your general------A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.
Q Well, now, tell me how Ross kept you posted about Nelson Murrell?
A Well, Ross worked for me some, swapped horses with him at one time.
Q Joe Ross? A Yes, sir, Joe Ross.
Q Well, is that all--is that the only time you ever swapped horses up there? A Oh no, no.
Q Who else did you ever swap horses with? A I don't know, I used to trade horses considerable.
Q Don't tell all the people you traded with? A Could tell part of them.
Q Can you tell me anybody else you traded horses with in '67 and '68? A Oh, traded a good many times, you recollect about '65 it was trading part of this country.
Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response).
Q Was there anything now to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything more than just what I have given.
Q Do you remember when the Commission sat at Vinita, Indian Territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.
Q Where were you last October? A Where was I? I was at home, sir.
Q Was that about the time when they were talking to you about this case? A I don't recollect.
Q Well, do you know whether it was earlier or later? A I think it was along in the fall.
Q You don't know whether it was earlier or later than October?
A No, I don't just recollect.

JASPER FORTNEY, being first duly sworn, testified as follows:

MR. MASTINS: What is your name? A Jasper Fortney.
Q What is your age, Mr. Fortney? A I am nearly 65, 64 past.
Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.
Q That your postoffice? A Yes, sir.
Q Do you live right in town? A Yes, sir.
Q I will ask you to tell the Commission when you came to Kansas, when you located there? A We landed in Bourbon County, Kansas, on the 6th day of April, 1868.

Q How far from Fort Scott? A Eight miles.
Q What direction? A West.
Q How far was that from either the town or the river at Marmaton?
A Two miles from the Bend out there, one mile from the river; the river runs in a northwest direction there.
Q Did you know a man by the name of Todd? A John Todd, yes, sir.
Q Did he own a farm out there? A Yes, sir, several of them.
Q Did you know a colored man by the name of Nelson Murrell?
A Yes, sir.
Q When did you learn to know him? A The year of 1868.
Q How soon after you landed there? A Oh I should say, speaking at random, immediately.
Q Immediately? A He lived a quarter of a mile west from where we moved to.
Q On whose farm? A On John Todd's farm.
Q Do you know Joe Ross? A Yes, sir.
Q Where did he live? A He lived in the same house with Nelson Murrell.
Q How long did you continue to know Nelson after you located there?
A Until the fall of the year '69.
Q Fall of the year '69? A I think that is the time, sir, that is the best of my remembrance.
Q Make a crop there on Todd's place? A Yes, sir.
Q Both years of '68 and '9? A I think so.
Q Did you know his wife? A Yes, sir.
Q Do you remember her name? A Murrell's wife?
Q Yes, sir. A Eliza or Liza we always called her Aunt Liza.
Q Did you know Joe Ross's wife? A Yes, sir.
Q What was her name? A Sarah.
Q They lived there together? A Lived in the same house.
Q Do you know what became of Murrell, this Nelson Murrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.
Q Well, did you ever hear of him being seen here afterwards?
A I have heard of him; I never saw him. Moved on to the Verdigris River in south, nearly south, of Coffeyville.

MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.

MR. HASTINGS: You only heard of that? A Only heard about it.
Q Through when did you hear it? A Through my brother.
Q Did your brother know him up there? A Yes, sir.

MR. SMITH: I move to strike that out, being hearsay.

MR. HASTINGS: It is a circumstance by identification.

Q He lived in about a quarter of a mile you say of you? A Yes, sir.
Q Were you married at the time you moved there? A Yes, sir.
Q To your present wife? A Yes, sir.
Q he is here with you? A Yes, sir.
Q Did Murrell or his wife ever work for you some? A yes, sir, occasionally helped us a little. Murrell would help on our farm and help when we needed help, and his wife helped our women with the housework.
Q Where did you come from to Kansas? A West Virginia.
Q And you weren't in Kansas then prior to April, 1868? A No, sir.
Q And you got acquainted with Nelson Murrell after that time?
A Yes, sir.
Q What is your occupation, Mr. Fortney? A By profession I am a civil engineer, not doing much of anything now.
Q Little past that age? A I am not able to.

MR. SMITH: Well, this man Murrell that you speak of, you don't know where he was of course in '65? A No, sir.
Q Nor '66? A No, sir.
Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.
Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.
Q Didn't own any farm there did he? A No, sir.
Q Well, what kind of work was he doing? A Farm work.
Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thresh, and so on.
Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.
Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.
Q Well, what kind of work did his wife do for your family?
A Worked by the day, I presume, sir.
Q Washed, did she, or cooked, or what? A Did washing and helping clean house and so on, woman's work.
Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also; but she, like her husband, worked no considerable time continuously for us.
Q Now what was her name you say? A Eliza, sir, we called her Aunt Liza in speaking to her.
Q How old was she at that time? How old was she?
Q About, yes, sir,; was she a young woman, or middle aged or old?
A Middle-aged I would say, 40 or 45 years old.
Q Well, then, all you knew about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the day? A Yes, sir, and that they were there continuously for nearly two years, residing there.
Q Well, how far did they live from you? A About a quarter of a mile.
Q During two years? A We come there on the 6th day of April, 1868, and they were there I think late in the fall of '69.
Q At the same place? A At the same place in the same house sir. Ross, Murrell and their families all residing in the same house
Q On whose farm? A John Todd's.
Q Well, what were you doing at that time? A I was farming.
Q How long did you continue to farm? A After that?
Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.
Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.
Q On what farm? A On the farm belonging to my father and brother, adjoining the one on which Murrell and Ross lived.
Q Was Murrell there all the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.
Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.
Q Well, why do you say he resided there all of the time? A His family was there, that was his home.
Q It was because this woman you called Aunt Liza was there that you say he resided there? Is that correct? A Oh, he had his crop there, he had his farm tools there, and stock, he had some little stock, cows, I think, and horses, they was there.
Q Was he an old man or a young man? A I would think he was near 50 years old.
Q When? A At that time, 45 to 50, somewhere along there.
Q Have you ever seen him since he left there? A No, sir.
Q You don't know whether it was the same man who applied in this case or not? A Nothing only the name, sir, that is all.
Q

Q Did he always go by the name, the man you knew, by the name of Nelson Murrell? A As far as I knew he did, yes, sir.
Q You never knew him by any other name? A No, sir.
Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.
Q What who told you? A Nelson Murrell.
Q I thought your brother--- A You asked me if I had seen him, I said I hadn't since that time, and I don't know where he resides further than what my brother said. But I did know where he said he was going.
Q Who did he say it to? A Said it to me.
Q When? A Just before he came down into the Territory.
Q Well, who came with him if any one? A Joe Ross, his son-in-law, and family.
Q What about the woman Aunt Liza, did she come? A Yes, sir.
Q Now when did you say that was? A Fall of '69 I think sir.
Q The fall of '69? A Late in the fall of '69 that they came downto this country or to the Territory, I won't say this country.
Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Merrell had grown a crop, grown on John Todd's farm, in '69, and my brother and I helped to harvest it and helped to thresh it, and so on.
Q In '69? A My brother cut the harvest for him; I helped in the field as a harvest hand.
Q When did you first think about the time he had left afterwards, how many years had it been? A I don't know that, sir, I don't know when I first thought about it.
Q Well, you have had some conversation about it since I suppose? A Not until--nothing more than my family and I might speak of Aunt Liza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up specially.
Q Well, with whom did you first talk as to the date, when did you first get to talking about the date when he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thrity years.
Q Well, fo you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '96, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.
Q Were you a witness then at that time? A No, sir.
Q Well, now when you first were asked about what you knew about Nelson Murrell how long had it been since he left there, how many years had elapsed, that 's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a gentleman came to see me to know if I knew anything of Merrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, andif I knew his wife. These questions have been asked me, yes, sir; and I answered affirmatively.
Q Well, was the inquiry with regard to Merrell, as you state, or Murrell; you said Merrell as I understood you? A Well, sir, Nelson Murrell.
Q How would you spell it? A I don't know, sir, I don't know that I ever spelled it or was asked to.
Q Well, would you say it was Murrell or Merrell? A Well, after studying it over I would say if I was going to spell it that it was M-u-r-r-e-l-l.
Q Then you were mistaken when you said Merrell? A Well, it was probably a mistake in pronunciation, yes, sir, you and I might pronounce it differently.

Q Well, if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.
Q Well, how would you get Merrell out of M-u-r-r-e-l-l?
(No response.)
Q Well, now, it had been when you were interrogated, as you speak of, something more than thrity years, hadn't it? A '69 and 30 would be '99; yes, sir, thirty years, over thirty years since he left there.
Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.
Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date?
A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.
Q Well, did you ever do any other work for any other man who left the country at any particular time? A I don't remember.
Q Well, in what way now were you able to arrive at this particular date thirty years after it happened? A Simply by my own remembrance, that is all.
Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory or anything of that kind.
Q You don't think you could be mistaken about it? A No, sir, I think not.
Q Howwas that? A I think not.
Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that's my remembrance.
Q That's the best of your recollection at that time? A Yes, sir.
Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you?
A Well, pretty nearly in this case; I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.
Q How many colored people do you suppose left that country since you went there? A I don't know.
Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.
Q Can you give the dates when they left, all o f them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them seen them.
Q Then you couldn't tell about the time when the majority of them went away? A No, sir.
Q What time in the year did you arrive there yourself? A 6th day of April, 1868.
Q Who did you bring with you? A Brought my family, and my father and his family.
Q Your wife and your own family and your father and his family?
A Yes, sir.
Q Never moved away from that immediate country afterwards? A No, sir, I have lived in that county ever since.
Q Well, did you ever do any civil engineering after you went there?
A Yes, sir.
Q About when? A Several times in my time; worked for this railway, some for the Gulf Railway, we called it the Memphis, the Frisco it is now, and the Missouri Pacific Railway Company.
Q Commencing about how long after you went to that county?
A I was county engineer elected in 1888, and was county engineer for four years, and deputy engineer for four years more, did the work

Q Well, up to that time had you done anything except farm work?
A No, sir, very little civil engineering prior to that time.
Q Did Ross and Murrell live there together? A Yes, sir.
Q See them start? A Well, I knew when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did leave.
Q What did they take with them? A Took their families with them.
Q What else? A What little stock they had I think.
Q Well, how much did that consist of? A I can't answer you now, I don't remember as to that.
Q Didn't seem to be much of a job for them to move did it?
A They came in wagons, had two wagons I think.
Q Had two families? A Had two families.
Q Took one wagon to move what one family had? A Yes, sir, I guess that's about the amount of transportation they had.

VASHEY FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Vashey Fortney.
Q What is your age, Mrs. Fortney? A 62.
Q Is Mr. Fortney, who just left the stand, your husband? A Yes, sir.
Q Your postoffice is Fort Scott, Kansas? A Yes, sir.
Q Do you live in town? A Yes, sir.
Q Where were you born? A West Virginia.
Q Were you living in West Virginia during the late Civil War?
A Yes, sir.
Q Were you married before or after the war? A Married just before the war broke out.
Q When did you come to the State of Kansas? A The spring of '68.
Q Your husband come with you? A Yes, sir.
Q Where did you first locate? A Near Warmaton.
Q In the country? A Yes, sir.
Q On a farm? A Yes, sir.
Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did you know a colored man by the name of Joe Ross? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q About how far did they live from you after you located there?
A Well, I would say about a quarter of a mile just guessing at it.
Q How long after you come there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they worked for us.
Q Were they living there when you moved there? A Yes, sir.
Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '69, at least I won't go any further than that, I am quite positive that they were there until the fall of the next year.
Q Of '69? A Yes, sir.
Q Live there on this same place where you found them? A Yes, sir.
Q And you lived there on an adjoining place a quarter of a mile distant? A Yes, sir.
Q That was out in the country was it? A Yes, sir.
Q Do you know where they went when they left there or where they

said they were going? A Well, I know what they said, they said they were going to the Nation, and further than that---

MR. SMITH: I object to that, I want to know who said that.

MR. HASTINGS: Well, any of Murrell's folks? A Well, yes, sir, they all talked of it, and of course we were anxious to know about their moving away.

Q Was that while they was making the preparations for their removal? A Yes, sir.

MR. SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.

MR. HASTINGS: These are the same parties.

MR. SMITH: Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit

MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.

MR. SMITH: That question is objected to.

MR. HASTINGS: You never saw them after that time?

A No, sir.

Q Did the women folks work for you? A Yes, sir.

Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah I think was what they called her.

Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.

Q Well, did you know Nelson's wife's name? A Yes, sir, that was Eliza, was Aunt Liza we called her.

Q You know whether Mrs. Murrell was any relation to Joe's wife or not? A No, sir, I don't know.

Q You don't know what the relationship was? A No, sir.

Q Did you see them frequently? A Yes, sir.

Q Could you see their house from yours? A Yes, sir.

Q Plain sight? A Yes, sir.

Q Across the field was it? A Well, we would have said down the road.

Q You came to Kansas from West Virginia in the spring of '68?

A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up; how long? A I heard nothing at all about it until recently.

Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.

Q Well, then at that time did you have any recollection as to the time he had left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. What I know, of course I am just telling you what I know.

Q Well, what I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well just as I am telling it.

Q That was about how long; something over thrity years after they had gone away, wasn't it? A Thirty years.

Q Something over that I say? A Well, now, we had been here, let me see, we come here the spring of '68, April, '68, and this is 1902, let's see how long.

Q Well, now, during all that time did you keep it in your mind that they left here in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for us, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons just as well when they were all getting ready, and I knew it was rather cold weather, I think it was very late in the fall when they moved away; I don't know just exactly, I am not positive as to the time they left just exactly.

Q Well, are you positive as to the year? A Yes, sir, I am positive as to that.
Q What time in the year did you get there? A The 6th day of this present--in April.
Q You never have seen that man Murrell since that time? A No, sir.
Q Nor Ross? A No, sir.
Q You don't know whether they are the same persons who are applying at this time for admission or not? I don't know, did you say?
A I don't know; well I presume so.
Q I know; but what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-542; Jacob Ross, F. D-539; Esau Fox, F. D-508; and Steve Looney, F. D-519; together with the cases in which the testimony of these last forementioned cases is thrown, which are as follows: D-550, D-552, D-758, D-923, D-473, D-475, D-544, D-549, D-551, D-799, D-541, D-540, D-543, D-545, D-838, D-547, D-537, and D-621, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had and filed upon the attorneys for the applicants in these five leading cases, being Nelson Murrell, D-548, Joe Ross, D-542, Jacob Ross, D-539, Steve Looney, D-519, and Esau Fox, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 18th day of April, 1902.

P. G. Reuter, Notary Public.

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Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and correct copy of the original.

Retta Chick

Subscribed and sworn to before me this 22nd day of July, 1902.

(Seal)

Bruce C. Jones
Notary Public.

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Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 29, 1902.

In the matter of the application of Nelson Murrell et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
Q Do you know how old you are, Simon? A I do, sir, about, near about it.
Q Well about how old do you think you are? A Going on 61, on the 25th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon?
A Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war?
A After the war, sir.
Q Do you remember that distinctly; you don't know what year, but after the war closed? A Yes, sir.
Q Well after you went to Fort Scott, Kansas, did you get acquainted with a colored fellow by the name of Murrell? A I got slightly acquainted with him.
Q Did you ever know what his first name was? A I didremember.
Q You don't know what his name was? A I forget what his first name was; I got acquainted with him slightly, just passing by him coming in.
Q Did you know where he lived? A No, sir, I never did know where he lived; I know he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A John Kilburn.
Q What is your age? A I will be 56 the 20th of October coming.
Q What is your postoffice? A Marmaton, Kansas.
Q How long have you lived near Marmaton, Kansas? A Since '65, since August, '65.
Q You went there after the close of the war, did you? A Yes, sir.
Q Since you went to Kansas did you get acquainted with a colored family by the name of Murrell? A Yes, sir.
Q Do you know what the first name of the man was? A I think his first name slipped my mind. Nelson Murrell, Nelson Murrell I think was his name.
Q Where was he living when you first got acquainted with him?
A On John Todd's place.
Q Where is that from Fort Scott or Marmaton, Kansas, now, how far?
A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.
Q You say he was living on John Todd's place? A Yes, sir.

Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.
Q Well, that 's what I mean; was he keeping house? A Yes, sir.
Q And lived on John Todd's place? A Yes, sir.
Q What were the circumstances of your getting acquainted with him that you remember him well? A Why I went there to break prairie for John Todd.
Q They had a man on this place; he was living there? A Yes, sir.
Q Well? A That was the most convenient place I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.
Q Boarded with them, they cooked for you? A Yes, sir.
Q Now when was that, Mr. Kilburn? A Well, I guess that was in '68, it might have been '69.
Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.
MR. MELLETTE: You simply stopped there with him while you was breaking prairie there? A Yes, sir.
Q Didn't know him very long then, did you? A No, sir.
Q Don't know where he had been before that, do you? A No, sir.
Q Don't know where he went after that? A I don't.
Q Are you certain it was in the year '68? A Well, that or '69.
Q How long did you break prairie there? A I expect it was a couple of weeks, I disremember.
Q Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.
Q How long ago? A I guess it's six weeks ago, might have been over that.
Q Then you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie? A Yes, sir.
Q You have got a pretty good memory, haven't you? A Why I don't know that I have.
Q Who talked to you about this case first; that gentleman, do you know,? A Yes, sir.
Q What's he got to dowith this business? A Couldn't tell you.
Q What's his name? A Rucker. C. T. Rucker.
Q Where does he live? A Fort Scott.
Q Is he getting up evidence for the Cherokee Nation up there? A I ain't positive about that.
Q He was around inquiring of you what you knew, was he? A Yes, sir.
Q What did he say to you? A He wanted to know if I ever knew a man--now as near as I can recollect--if I knew a man by the name of Murrell, a colored man that used to live down there.
Q Did he say he was going about there getting what people knew about these cases? A I don't think he said anything about that.
Q Is he the witness that testified in the Pomp Brown--Lewis T. Brown case a while ago? A I think he did.
Q And he came to you inquiring what you knew about the Nelson Murrell case? A Yes, sir.
Q That he was getting up testimony up there, isn't he? A Well I just unferred that he was, I never heard him say that he was.
Q Can you remember every man that you broke prairie for two weeks thirty-five years ago? A No, sir.
Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke--I was breaking prairie for the man that built my house on that homestead, and then there was a

man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with a team, it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that'show I remember.

Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I knew that's why I remember Nelson Murrell, yes, sir.

Q You didn't even remember his first name when you was first asked the question? A I didn't.

Q Have you ever seen him since you saw him there? A I don't remember that I have.

Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.

Q Never have seen him? A No, sir.

Q All you have heard is that they was asking you about Nelson Murrell? A Yes, sir.

Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.

Q You don't know where Nelson Murrell was in '66, do you?

A I do not.

Q '67? A I don't; let me see; No, I don't know where he was in '67.

Q And you don't know where he was except the time you speak of?

A That's all.

MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Ricker there was no inducement offered or no premium to get you to swear anything other than the truth, other than what you knew? A No, sir.

Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knowed about it.

Q You was then subpoenaed, was you not? A Yes, sir.

Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants? A I never heard of any organization.

Q You come as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475, and D-548, the case at bar; also in Cherokee Freedmen cases No. D-508, D-537, and D-621.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

P. G. Reuter, Notary Public.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and correct copy of the original.

Retta Chick

Subscribed and sworn to before me this 22nd day of July, 1902.

(Seal)

Bruce C Jones
Notary Public.

F. D-~~548.~~ 576

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 15, 1902.

In the matter of the application of Flora Murrell for the enrollment of herself as a Cherokee freedman.

SUPPLEMENTAL TO D-548.

Applicants appear by Thomas Owen, representing Mellette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

STEPHEN LITTLE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Stephen Little.
Q Where do you live? A Live in Cooweescoowee District of the Cherokee Nation.
Q Well give me your postoffice? A Lenepah.
Q What is your age? A Going on 77.
Q Do you know Flora Murrell? A I do.
Q Is she the wife of Nelson? A Wife of Nelson Murrell, she wasn't when I first knew her.
Q Well when you first knew her who was she the wife of? A A man by the name of Vann, I think they called him.
Q Well what was his first name? A Well I forget his first name.
Q Well do you know it was Lowen? A Lowen Vann.
Q Where were you living when you first knew Lowen Vann and Flora his wife? A I was living on Snow Creek.
Q On Snow Creek? A Yes, sir.
Q After the war? A After the war, yes, sir.
Q How long had you been living there after the war when they moved into that neighborhood? A Oh I had been there a very little while, I had been there I think four or five or six years, I know I had been there five years.
Q You know you had been there five years? A I know I had been there five years.
Q Did they have any children? A I think they had five or six.
Q Do you know any of their names? A Yes, sir, there was Sonny, and Charley and Florence, I know them, and another called Lila.
Q Did you know Lowen Vann well? A Know him well?
Q Yes. A Oh, yes, sir, knew him well as I knew anybody.
Q Did you ever talk to him about where he had been? Never had any particular talk as I know of about where he had been, but I heard him say he had been to Mexico and he and I talked Mexican some, together.
Q You and he talked the Mexican language together? A Yes, sir, Mexican language.
Q Said he had been to Mexico? A Yes, sir.
Q Did he say what part of Mexico he had been in? A I don't know, if he did I don't remember it.
Q Well he talked the Mexican language did he? A Yes, sir, good.
Q He was the husband of Flora Murrell? A At that time, yes, sir.
Q The father of Charley Vann? A Yes, sir, I suppose so.
Q You didn't know him before the war? A No, sir.
Q He talked the Mexican language did he? A Yes, sir.
Q You talked it? A He talked it and I talked it.

MR. OWEN: When was that that you knew him? A When he lived up on Snow Creek.
Q How was that? A When I lived up on Snow Creek there.
Q I say when was that? A Well it was sometime in sixty - I thinkthat must have been sometime in '70, along there.
Q Well, why do you think it was in '70? A Because the time I moved there--
Q Well, is there anything special that makes you think it was in '70? A Yes, sir, somethingespecial.
Q What was it? A I had planted some apple trees, and I put them out first, and I know it must have been three or four or five years, and that time they was bearing apples.
Q And had they just begun bearing apples? A Just begun to bear apples.
Q When you was talking with him? A Yes, sir.
Q You put them out when you first went there, did you? A The first year after I went there.
Q You went there in '60? A Yes, sir.
Q You put out your apple trees in '61? A '66 I went there.
Q You went in '66, so the Cherokees says, I went there in '66, that's the reason I am here today.
Q You have proved already before the Commission that you was there in '66 have you? A I didn't have that to prove, they all knew it
Q Your neighbors knew that? A Yes, sir.
Q What month did you go there in? A Me?
Q Yes, you? A In April.
Q April, 1866? A Yes, sir.
Q Where did you go from? A I went from Leavenworth, Kansas.
Q When did you go to Mexico? A Never have been there.
Q How did you learn the Mexican language? A My boss has always kept Mexicans at our house, he would trade them, and I heard them talking the language, and I learned it.
Q You learned it without going to Mexico? A Yes, sir.
Q This other fellow that you testify about talked with you, Mexican? A Yes, sir, that Lowen did.
Q Didn't you say a while ago in your cross-examination that you went there in '60? A Went where?
Q Where you live? A '66.
Q How old was those apple trees when you put them out? A Oh I don't know how old they was, I expect they were two years old or something like.
Q Two years old when you put them out? A I expect so.
Q And they was just beginning to bear? A Bearing when he come there.
Q When you first got acquainted with him? A Yes, sir.
Q How long had he lived there in that community before you met him?
A Before I met him, why he didn't live there long because he come there across the river from where I was, and I heard that some of his kin folks had come, and they was backwards and forth across the river there every day or two, see him.
Q He hadn't been there long before you met him? A No, sir.
Q How long was it before you found out that he could talk Mexican?
A Oh I couldn't tell you, he was a Catholic and I was a Catholic, and we got to talking, and then he would let me know that he could talk Mexican.
Q Could you learn Mexican in that day and time without going to Mexico? A Well he could, couldn't he?
Q Well you learned it without going there didn't you? A Yes, sir.
Q Do you know anybody else that did? A Yes, sir, hundreds.
Q Lots of them learned Mexican without going to Mexico? A Hundreds, right where I was a man had all black folks could speak Mexican.
Q The fact that a man could talk Mexican wasn't much of a sign that he had been to Mexico? A Not much, no, sir.

MR. HASTINGS: You heard him say that he had been to Mexico and you learned Mexican up there around - A Up there about Independence, Missouri.

Q Up there where they talked Mexican? A They would come there in the first of fall and stay until cold weather and go away and they wouldn't stay with the white folks, and that's the reason.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-550, D-552, D-758, D-823, D-473, D-475, and D-648, the case at Bar.

Arthur G. Greminger, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Greminger,

Subscribed and sworn to before me this 20th day of May, 1902.

P. G. Reuter, Notary Public.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and correct copy of the original.

Retta Chick

Subscribed and sworn to before me this 22nd day of July, 1908.

(Seal)

Bruce C. Jones
Notary Public.

Cherokee Freedmen D 876.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Carter for enrollment as a Cherokee Freedman.

D E C I S I O N .

The record in this case shows that on June 26, 1901, John Carter appeared before the Commission at Nowata, Indian Territory, and made application for enrollment as a Cherokee Freedman. Copies of the testimony taken at various times in the case of Nelson Murrell, et al., are made a part of the record herein.

The evidence shows that the applicant was the slave of a Cherokee citizen at the commencement of the Rebellion; that he was taken out of the Cherokee Nation during the Rebellion and upon his return to said Nation, found Nelson Murrell and Esau Fox residing there. The Commission found in the cases of Nelson Murrell, et al., Cherokee Freedmen D 548, and Esau Fox, et al., Cherokee Freedmen D 508, that they did not return to the Cherokee Nation and establish a residence therein until after the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said nation. It is therefore considered that the said John Carter did not return to and establish a residence in said Nation until after the time specified in said decree.

It is, therefore, the opinion of this Commission that the application for the enrollment of John Carter as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

M.8.9

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D 876

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of John Carter for the enrollment of himself as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Encl. V-18

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. breckinridge.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-876

Muskogee, Indian Territory, October 28, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of John Carter as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 15, 1904.

Respectfully,

Chairman.

and I will tell you what I know
you concerning the Moses
Carter case if you need
evidence get George Musgrove
and his wife and stepping
down they know just
when he come here
and when he was killed
Josh Lowery killed him
and was tried in the
Ft Smith Court, and Jane
Crane is a wife of Moses
Carter and is a statewomon
and all of her Children is
Moses Carter and they are on
the roll as Cherokees.
Her sure and true.

Cher Fr D 877

Cher Fr D 877

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 28th 1897.

In the matter of the application of Victoria Carter for enrollment as a Cherokee freedman; she being sworn by Commissioner T. B. N Needles, testified as follows-

W. W. Hastings, Cherokee representative;

Lewis T. Brown, agent for applicant-

By Com'r Needles-

Q What is your name? A. Victoria Carter
Q What is your age? A. 45.
Q What is your post office address? A. Welch.
Q In what district do you live? A. Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Have you ever applied to be enrolled as a freedman of any other tribe or nation? A. No sir.
Q Who do you desire to have enrolled besides yourself? A. Just myself
Q What

By L. T. Brown-

Q Were you a slave of a Cherokee citizen at the commencement of the Civil war? A. Yes sir.
Q Who did you belong to? A. Minnie Thompson.
Q Was she a Cherokee Indian? A. Yes sir.
Q Did you leave the Cherokee Nation during the war? A. No sir.
Q Where were you in 1866? A Fort Gibson, in the Quarters.
Q Where have you lived ever since? A. I staid there about three or four years and then went from there to Fort Gill and from there to Fort Leavenworth and staid there a while and came with the family of John Miller to the Creek Nation and worked on a cattle ranche until 1888 when I married.
Q Since your marriage in 1888 where have you lived? A. One year in the Creek Nation we were on the Lewis Miller farm and next year we went out and camped out and he worked with cattle on a ranche on the Neosho River for Fowler & Hunt.
Q Where have you lived since that? A. In Nebraska, where he worked on the Weeping Willow Ranche.
Q State of Nebraska? A. Yes sir.
Q He tended cattle there did he? A. Yes sir.
Q Where did you go then? A. We came to where we are now, and made a place.
Q What year was it that you made your place? A. I can't exactly tell.
Q How long ago was it? A. Something like 12 years ago.
Q Do you own any improvements now on the Public domain of the Cherokee Nation? A. Yes sir.

By the Commission;

Q What is your husband's name? A. W. H. Carter.
Q Is he a non-citizen? A. Yes sir.
Q Where did you marry him? A In the Creek Nation

By Hastings-

Q How old are you? A. About 45.

By Commission-

Is your name on the roll of 1880? A. No sir.
Q Did you draw Shawnee strip money, Kaw Clifton money? A. No sir
Q Are you on any of the rolls? A. The Wallace roll.

Applicant not found on the 1896,1896 or Kaw Clifton rolls.

Wallace roll examined and the applicant found as follows-
Page 182 No. 2345, Victoria Barber , Delaware district.

By Hastings-

Q Where did you apply to the Kaw Clifton Commission? A. I didn't apply, never got in.
Q Are you the person who owned place 2 miles east of Boleta A Yes sir.
Q Where did your Sisters Minnie Thompson live before the war? A. In Illinois district on the Kaws.
Q How far from Fort Gibson? A. I guess 4 or 5 miles, I dont know exactly.
Q Did she have a husband? A. Yes sir.
Q What was his name? A. Dick Thompson.
Q Did they have any children? A Yes sir.
Q Do you remember their names? A. No sir, I was too young to know
Q You say you were at the Quarters in Fort Gibson during the war? A Yes sir the soldiers took us there.
Q Was there any particular thing that makes you remember that you were there during the war? A. The soldiers.
Q How long did you stay there after the war? A. 3 or 4 years.
Q While you were there with whom did you live? A. I lived with an old lady named Jane.
Q Jane what? A. I never knew any name but Jane.
Q Did she have a husband? A. No sir.
Q No family at all? A. No sir, if she did I wasn't acquainted with them.
Q You went to Fort Gill from there? A. Yes sir.
Q Had they had the small pox at Fort Gibson but you were there? A I dont remember about that.
Q How long did you stay at Fort Gill? A. About 3 years.
Q What did you do there? A. I didn't do much or anything, just worked in the Quarters there.
Q Waiting on the soldiers? A. Yes sir.
Q You didn't occupy any official position did you? A. No sir.
Q Where did you go then? A. Fort Leavenworth.
Q What did you do there? A. Did about the same thing, working around the Quarters.
Q Did you hold any official position there? A. No sir not until I got old enough to drive mules.
Q How long did you stay there? A. I moved around there for about a year and then went back with some people to the Quaker Agency.
Q You came there in 1867? A. No sir either before that or just [illegible] with you but came there before I moved [illegible] there in 1867.
Q You worked there a year or two before went to Wichita? A. Yes sir.
Q And you then came to the Cherokee Nation about 1870 did you? A. Yes sir.
Q Did you come to Tahlequah? A. No sir down there on the [illegible]
Q What village? A. Tahlequah village.
Q How much farm? A Some 40 or more there.

Q What settlement? A. Near where Miami is now.
Q In the Miami Nation? A. No sir on this side of the river.
Q How far from Peoriaville? A. I dont know exactly, it was there a
had something that produce where the town of Miami stands now.
Q On which side of the river? A. This side.
Q And that was 16 years ago? A. Yes sir.
Q Is that the first time that you were in the Cherokee Nation since
you went to Fort Gibson? A. No sir, we have been back through but
never stayed any.
Q When did you first see Ai Lynch? A When I was ten years old in
Fort Gibson.
Q Do you know the years that was? A. It was in——I dont know.
Q Was he living there then? A. I dont know that either.
Q Was you at his house? A. No sir.
Q Where did you first see Columbus McNair? A At the Quarters at
Gibson.
Q When? A. I dont know the year.
Q Was he living there then? A. I dont know.
Q Were you at his house? A. No sir.
Q Where did you see L. D. Daniels first? A. He came there leaving
[illegible] relions.
Q You never saw either of these fellows before the war? A. No sir
I wasn't old enough.

By Commissioner Needles;

Q Where were you born? A. In Illinois district on the Barron
Q In the Cherokee Nation? A. Yes sir.

Columbus McNair, called and sworn as a witness for the applicant-

By L. T. Brown-

Q What is your name? A. Columbus McNair.
Q What is your age and residence? A. I am 51 years of age.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir
Q Are you on the 1880 authenticated roll? A. Yes sir.
Q Do you know the applicant here, Vicheadarker? A. Yes sir I have
know her.
Q Did you know her parents? A. Yes sir.
Q When did you first see her? A. I have to study now when was the
first time that I good her——I came study it out——it has been a
good long while. I cant tell just when it was that I first saw here
Have you no idea when it was? A. 15 or 16 years ago.
Where was she living then? A. On Bansel creek.

Allen Lynch called and sworn as a witness for the applicant-

By L. T. Brown-

Q What is your name? A. Allen Lynch.
[illegible]

[illegible]

Q When you brought her to Fort Gibson [illegible] in '94, how long did you see her there? A. I never [illegible] should there had a month
Q You didn't know her mother? A. No sir.

By Hastings-

Q She just told you she was [illegible] that crowd? A. Yes sir.

L. D. Daniels called and sworn as a witness for the applicant-

By Brown-

Q What is your name? A. L. D. Daniels, age 56, post office Claremore
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q Do you know the applicant Victoria Carter? A. I got acquainted with her here.
Q Did you ever know her prior to this time? A. No sir

By Commissioner- Victoria Carter applies for herself; she is not identified on the authenticated roll of 1880, the census roll of [illegible] Nat. Cherokee Bay Fork, but she is identified on the Wallace roll; she states that she was the slave of a Cherokee citizen, that she was born and raised in the Cherokee Nation, remembers being in Fort Gibson in 1863, and after that she went to Fort Gill and then to Fort Leavenworth, and swore that she was married in the Tahlequah Agency in 1886 to one F. Lakerson a non-citizen, and that after her marriage she went to the state of Nebraska and returned to the Cherokee Nation some 10 or 12 years ago; she will be listed for enrollment as a Cherokee freedman on doubtful card and when the final decision is arrived at she will be notified by mail.

* * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 10th of July, 1901.

Commissioner.

Cherokee Freedmen D-877 .

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOVEMBER 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Victoria Carter as a Cherokee Freedman.

On October 21, 1904, the applicant was notified by registered letter, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by mail, that the application for the enrollment of Victoria Carter as a Cherokee Freedman would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 21st day of November, 1904, at which time an opportunity would be given the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application at which time said case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on this 21st day of November, 1904, this cause coming on to be heard, pursuant to said notice, said applicant being called, failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H. N. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 21st day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H N Vance

Subscribed and sworn to before me this 14 day of December, 1904.

Charles R Davenport
Notary Public.

Cherokee Freedmen D 777.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Calvin Ross, Maggie Ross, Henry Ross, John Ross, Amanda Ross, Mary Ross, Artie Ross Winnie Ross and Frank Ross, as Cherokee Freedmen.

--:--

D E C I S I O N.

The record in this case shows that on June 20, 1901, Calvin Ross appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself, his wife, Maggie, and his minor children, Henry, John, Amanda, Mary, Artie Winnie and Frank Ross, as Cherokee Freedmen. A copy of the testimony taken in the case of Jackson Fields, Cherokee Freedmen D-771, is filed herewith and made a part of the record herein.

The evidence shows that Calvin Ross and his wife, Maggie Ross, were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return to and establish a residence therein within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to said Nation.

The applicants, Henry, John, Amanda, Mary , Artie, Winnie and Frank Ross, are the minor children of the said Calvin Ross and Maggie Ross, and were all born in the State of Texas, except Frank Ross, aged five years at the date of the original application herein, who was born in the Cherokee Nation since his parents removal thereto.

None of the applicants herein are identified on the 1880 authenticated Cherokee tribal roll, nor on any other roll of the Cherokee Nation.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. MCBRIDE,
C. R. BREECHINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
B-777.

Muskogee, Indian Territory, February 13, 1905.

Dell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the application for the enrollment of Calvin, Maggie, Henry, John, Amanda, Mary, Artie, Minnie, and Frank Ross, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. L-8.

Cbd

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-877.

Muskogee, Indian Territory, May 13, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1908, rejecting the application for the enrollment of Victoria Carter as a Cherokee freedman.

The decision, together with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. L-55.

[illegible]

[illegible] in reply
[illegible] the following
[illegible]
[illegible] 1905.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] May [illegible], 1905.

The Honorable,

[illegible]

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Victoria Carter.

May 13, 1905, the Commission decided adversely to the applicant.

The record shows that although the applicant has been afforded ample time and opportunity to establish her title to enrollment she has failed to do so. She is not identified on

[illegible]

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M
W.

D. C. 38472-1905
I.T.D. 6288-1905
L R S

(C O P Y)

Y.P.

FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

August 7, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Victoria Carter as a Cherokee freedman, including its decision of the same date, rejecting said application.

Reporting May 23, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-877.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 18, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Victoria Carter as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 7, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Acting Commissioner

LS

Incl. S-71

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE, IND. TER. 190

Testimony sent to W. H. Konnegay at Vinita I.T., July 2nd 1902 to be used in a lawsuit

W W Hastings

Cher Fr D 878

Cher Fr D 878

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 26th 1901.

In the matter of the application of Flora Love for enrollment as a Cherokee freedman- she being sworn by Commissioner T. B. Needles testified as follows-

Q What is your name? A. Flora Love.
Q What is your age? A. 21.
Q What is your post office address? A. Coffeyville Kansas.
Q In what district do you live? A. Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. No one.
Q Are your name on the Dawes roll? A. On the Wallace roll.
Q What is your fathers name? A. George McNair.
Q What is your mothers name? A. Martha.
Q Have they been listed for enrollment by this Commission? A. Yes sir.
Q Who do you claim your citizenship through? A. My mother.
Q Is she dead? A. Yes sir.
Q Have you ever had your father and mother's case proved up here? A Yes sir.
Q I thought you said your mother was dead? A. Yes sir she is dead
Q Have you any sisters? A. Yes sir.
Q What are their names? A. Laura, Sarah and Nannie.
Q Have any of them applied here? A. Ys sir.
Q Which one? A. Sarah McNair has applied.
Q Are you married? A. Yes sir.
Q Who is your husband? A. William Love.
QHave you any children? A. No sir.
Q Are you a full sister to Sarah McNair? A. Yes sir.
Q Same father and same mother? A. Yes sir.

Wallace roll examined and applicant found as follows
Page 194 No. [illegible]

Q Where were you born? A Cedar creek, Cherokee Nation.
Q Have you lived here all your life? A Yes sir.
Q Is your husband a citizen? A. Yes sir he is enrolled.

By Com'r Needles,- Flora Love applies for herself and sworn that she is the child of George and Martha McNair; she is not identified on any roll except the Wallace roll; she avers that she is a full sister of Sarah McNair who has been listed for enrollment on Cherokee freedman D. card 2088, and the testimony taken in said case will be made a part hereof and a copy thereof filed herein. She will now be listed for enrollment as a Cherokee freedman on a doubtful card, and when the final decision of the Commission is reached she will be notified by mail. She avers she is married to William Love.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the 26th day of July 1901.

Commissioner.

To be filed in the Case of Flora Love, C. F. B. 478.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 26, 1901.

In the matter of the application of Sarah McNair for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A. Sarah McNair.
Q How old are you? A. I am 18.
Q 18? A I am 28, I mean, 24.
Q Is that your name now, Sarah McNair? A Yes sir.
Q 24? A Yes sir.
Q What is your post office? A. Lenapah.
Q What district do you live in? A. Coweescoowee.
Q You apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Is your name on the authenticated roll of 1880? A. Yes sir.
Q Who do you want to enroll besides yourself? A. Nobody but myself and my sisters.
Q How old is your sister? A. I cant tell exactly.
Q Is she here? A Yes sir, they are all four here.
Q They are here to enroll themselves? A. Yes sir.
Q Are you married? A. No sir.
Q Ever been married? A No sir.
Q Got any children? A No sir.
Q What is your father's name? A. George McNair.
Q Are you on the roll of 1880? A. Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon'

Q What is your mothers name? A. Martha Nave before she was married.
Q You claim your citizenship through your father or mother? or both? A Both.
Q Have you got any witnesses? A. Yes sir.
Q Have your father and mother been enrolled here yet? A. They are dead
Q Your father and mother are both dead? A. Yes sir.
Mr HASTINGS, Cherokee, Rep've-
Q When did they die? A. I cant tell exactly.
Q Before the Kern Clifton enrollment? A. Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir on the Wallace roll.
Q Where were you born? A. In Coweescoowee.
Q Cherokee Nation? A Yes sir.
Q Lived there all your life? A. Yes sir.
Q Who are your witnesses? A Minah Vann and Mi Vann.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 194 No.575 Sarah McNair, Coweescoowee district.
Kern Clifton Pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon

MINAH VANN, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A. Minah Vann.
Q How old are you? A. 38.
Q What is your post office? A Lenapah.
Q Are you a Cherokee freedman? A. Yes sir.
Q Your name on the roll of 1880? A. Yes sir.
Q Do you know Sarah McNair, the applicant? A. I raised these children; I raised 3 of them.
Q Well I am talking about this one? A Yes sir.
Q What was her father's name? A. George McNair.
Q What was her mother's name? A. Martha Nave.
Q Were they slaves? A Yes sir.
Q Who did they belong to? A. Miss Nave, Alex Nave's wife.

Q Was she a Cherokee ? Yes sir.
Q When did George McNair die? A. Well I couldn't tell you'
Q Did he die before the war? A. Oh no sir, he died on Pryor's Creek.
Q About how long ago? A. I dont know how long.
Q When did Martha Die? A. She died since he died.
Q And they both died since the war? A. Yes sir.
Q Well about how many years ago? A. I dont know exactly how many years
Q You say they were the slaves of Nabe? A. Yes sir
Q Were they taken out of the Cherokee Nation during the war? A. No sir they didn't take them out.
Q Never took them out of the Cherokee Nation? A No sir, they aint never been out until time of the war.
Q Then they went out did they time of the war? A. Yes sir.
Q Where to? A. She is my daughter, went to Kansas.
Q Where did George go? A. Went south.
Q When did George and Martha Come back? A. Martha come back which I did
Q When was that? A. 86.
Q She lived here until she died? A. Yes sir.
Q When did George come back? A. I dont know exactly, the men folks will know.
Q You dont know? A I dont know exactly when George died.
Q Did they live together as man and wife after they come back intil they died? A. Yes sir.
Q This child born then? A. Yes sir.
Q What's the names of the other four children? A. Laura is the oldest one.
Q Is Laura married? A. She was married, but she aint married now.
Q What's her husband's name? A. Frank Johnson.
Q What is the next one after Laura? A. Isabella.
Q Is she married? A. She was married, but she aint married now.
Q Who was she married to? A. Eddie Vann.
Q What is the next one? A. Flora.
Q Is she married? A. Yes sir.
Q Who did she marry? A. Will Love
Q She lives with Will Love now? A. Yes sir.
Q What's the next one? A. Annie.
Q Is Annie married? A. No sir.
Q Annie is single? A. Yes sir.
Q You are the grandmother of these children? A. Yes sir, I raised all of them since their mother died.
Q They are all the children of Martha Nave by George McNair are they? A Yes sir.
Q And Martha came back here in '86? A I brought her back with me in '86
Q Is your name on the roll of 1880? A. I guess it is.
By Mr. Hastings-
Q How old was this girl's mother when the war came up? A.She has 2 children.
Q What was their names? A. When the war got up.
Q Yes, when it come up? A. 2 children.
Q You think she had 2 children? A. Yes sir, she had 2 children.
Q What was their names? A. Laura and Bell.
Q That was before the war? A. No, it must have been since.
Q Well these children were they born before the war or since the war? A Since the war.
Q Where were they born? A. On Pryor creek.
Q Where was this girl born? A. Yonder in—
Q In Kansas? A No sir she never had nary child in Kansas, all of these children were born on Pryor's creek and the Virdigris.
Q Well was this one born on the Virdigris? A. Yessir.

Applicant, Sarah McNair, recalled,and further examined
By Mr. Hastings:
Q Did you apply before the Kern Clifton Commission for enrollment? A. Yes sir.
Q Under what name? A. McNair
Q What is your first name? A. Sarah McNair.
Q Where did you apply? A. Lightning creek.
Q Were you enrolled? A. Yes sr.
Q Did you draw money? A. Yes sir.
Q On the Kern Clifton roll? A. No sir on the Wallace roll.

Q Well I mean when the Kern Clifton was around here, did you make application then? A. No sir.
Q You didn't ? A No sir.
Q Why didn't you? A. My grandmother didn't get the money.
Q Well did you apply for enrollment before the Kern Clifton Commission?
A Yes sir.
Q Under what name? A. McNair.
Q That was 8 years ago? A. Yes sir.
Q Where did you apply? A. Lightning creek.
Q At Hayden? A. Yes sir.
Q And you applied under the name of McNair? A. Yes sir.
Q Did you go in yourself and testify? A. No sir, my grandmother testified.
Q This woman? (pointing to witness) A Yes sir.

Witness, Dinah Vann, recalled and further examined-
By Mr. Hastings
Q Where did you live before the war? A. Lived right in Flint.
Q Where did this girls mother live? A. Right there in Flint with me, the same owners.
Q You had the same owners? A. Yes sir.
Q I am trying to get from you how old her mother was when the war come up? A Well I dont know exactly.
Q Was she grown? A Yes sir, young woman, grown when the war come up.
Q Had no children? A She had that oldest ~~same~~ girl.
Q What was her name? A. Laura.
Q Then Laura was a slave herself? A. Yes sir.
Q Where did you go during the war? A. Kansas.
Q Did the mother of this applicant go with you? A. Yes sir, she went with me.
Q What place in Kansas? A. 6 miles above Iola.
Q Now Aunty, who came along in the same crowd that you came along in? A I couldn't tell you who all there was, but all my kinfolks come along, See Self.
Q Who else come along? A. Mose Naven he is dead.
Q Mose Nave came along? A. Yes sir.
Q Who else came along? A. George Landrum come along
Q Who else? A. Well I couldn't tell you who all now.
Q Where did you come to? A. Pryor's creek.
Q To what place on Pryor's creek? A Up the creek there right there where the section house is now.
Q And you located there did you? A. Yes sir.
Q Well now this girl's father and mother were not married at that time were they? A. No sir, they married there on Pryor creek.
Q What time of the year was it you got there? A. '66.
Q Well what time? A. I couldn't tell you.
Q You know whether it was in the spring or summer? A. In the spring.
Q In the spring of '66? A. Yes sir.
Q You made a crop there that spring? A. Yes sir
Q On whose place? A. Our own, we plowed land and made a crop.
Q Was it a new place or an old place? A. New place.
Q You made a new place there that year? A. Yes sir.
Q What Cherokees lived around you? A. I didn't know any but John Green
Q Did he live there? A. He lived there in the house.
Q About how far from you? A. About 6 miles.
Q How long after you came back new until you saw this girl's father A Well it wasn't long.
Q Where did this girl's mother die? A. Die to my house on Pryor's creek
Q Did she continue to live with you all the time while she was living with her husband? A. She lived there in a half a mile, but she died at my house. He was dead then.
Q Where did he die? A. He died there at his house, half a mile, and then she took sick and come to my house and she died right in my house.
Q Did she ever live off of Pryor creek after the war? A. No sir.
Q She always lived right there? A. Always right there.
Q And this girl was born there was she? A. This girl was born there.
Q She wasn't born when you came back here after the war? A. No sir.

Q Did you apply for this girl to the Kern Clifton Court 5 years ago when Kern and Clifton and Turner and all of them were around, like they are now, did you try to enroll this girl, to draw her money? A. I dont know, sir, I didn't get no money.
Q Did you go in though before the court and testify about her or not? A I testified for the children.
Q Did you for this one? A. I must have tested, I had them all, I had all the children and raised the whole family.
Q What did you say her father's name was? A. George McNair, and he died
By Com'r Needles
Q Your name is on the 1880 roll? A. Yes sir.
Q Was your daughter Martha's name on the roll of 1880? A. She drawed at Vinita.
Q Her name now is Martha Nave; her name when she died was Martha Nave? A Yes sir.
Q Did she have a husband named Nave? A. No sir, she just went by owner.
Q She never went by the name of Martha Vann? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's mother, and not found.

By Mr. Hastings-
Q Was you and Ed Vann living together when you come back here after th war? A. No, we married since, I come back with a man named Armstead Bell, that was my man then.

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Remainder of this case taken by Stenographer--

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this July 9, 1901.

(Signed) T. B. Needles

CONTINUED by stenog.

June 20th 1901.

SARAH McNAIR Application continued: Former portion taken by steno- M. D. Green.

EDMOND VANN, being sworn and examined by Commissioner T. B. Needles testified as follows:

Q What is your name? A. Edmond Vann
Q Your post office? A. Lenapah.
Q How old are you? A 58.
Q Are you the husband of Minah Vann? A. Yes sir.
Q Do you know the applicant here? Sarah McNair? A Yes sir.
Q What was her father's name? A. Johnse McNair.
Q Was he a slave? A. Yes sir.
Q To whom did he belong? A. Belonged to Susanna McNair.
Q Did you know her mother? A. Yes sir.
Q Was she a slave? A. Yes sir.
Q To whom did she belong? A. Alock Nave.
Q Well, do you know whether her mother and father went out of the Cherokee Nation? A Judge we went south.
Q They were not married until after the war? A. No si r.

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Q Where did Martha get A. She went North.
Q Do you know when she returned? A. No, I don't.
Q When did you first see her? A. [illegible]
Q When? A. [illegible]
Q Is she the mother of Sarah McNair? A. Yes sir.
Q Where was Sarah born? A. Sarah was born up here.
Q In the Cherokee Nation? A. Yes sir.
Q Always lived in the Cherokee Nation? A. Yes sir.
Q Do you know when George McNair came back? A. No sir.
Q When did you first see George McNair after the war? A. Well him and Martha McNair was married when I saw him and had one child.
Q In 1867 A. Yes sir.
Q Do you never see them until after [illegible]

[illegible] Sarah McNair applies for the enrollment of herself, and avers that she is a child of George McNair. That her mother was Martha Ross. She avers that George and Martha Ross were married in [illegible] after the Civil War and that she was born and raised in the Cherokee Nation and lived there all her life. She avers that she is married, is a citizen of her citizenship and she is the same person. Her father and mother enrolled in the [illegible] and she is the same person in both the testimony. She cannot [illegible] of the rolls of the Cherokee Nation except the [illegible] and she is only [illegible] in the testimony. She will now be listed for enrollment as a freedman under a descendant card. She avers that she was raised by Hiram Vann, who was her grand father, Hiram Vann having been the father of her mother. The said Hiram Vann is only identified on the Cherokee roll of 1880, and will be enrolled of his [illegible]

J. G. Robson being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes thereof.

(Signed) J. G. Robson

Subscribed and sworn to before me this July 22, 1901.

(Signed) F. B. Needles.

I, Chas. von Weise, upon my oath state that the above is a correct copy of the original.

Subscribed and sworn to before me this 24 of August, 1902.

M D Green
Notary Public.

File with C.F. D-878, Flora Love.

SUPPLEMENTAL:C.F.D-868

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita,I.T.,October 28,1901.

In the matter of the application of Sarah McFair for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. Davenport, of attorneys for the Cherokee Nation.

(By Stenographer: This testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer J.D.Green, and is transcribed by the latter.)

S.H.MAYES, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name? A S.H.Mayes.
Q How old are you? A 56.
Q What is your post-office? A Pryor Creek.
Q Are you ex-Chief Mayes of the Cherokee Nation? A Yes sir.
Q You want to give some testimony in Cherokee Freedman doubtful case 868? A Yes sir.
Q The case of Sarah McFair? A Yes sir.
Q What do you want to say about that? A (No reply)
BY MR. DAVENPORT:
Q Did you leave the Cherokee Nation during the war, Mr.Mayes?
A Yes sir.
Q When did you return? A I came back first in 1863.
Q Where did you come to then? A Came to Pryor Creek.
Q How long did you stay there? A I left there then in November of the same year, '66.
Q When did you come back and locate permanently? A I come back in '67; I was in the Cherokee Nation again in '69.
Q To what point did you come then? A That I left here?
Q Yes sir? A I went to Red River and moved back in the Fall of November.
Q To what point did you come in 1867? A I come to Pryor Creek.
Q Did you know a colored person by the name of Sarah McFair, now? A No sir.
Q Do you know one by the name of Jane Whitmire? A I do not.
Q Did you ever know a colored woman by the name of Dinah Vann or Nave? A I knew one we always called Dinah Nave; she was the wife of a colored man by the name of Armstrong.
Q Where did you see her before the war and when? A The first time I saw her after the war was in '66, at my home place.
Q Where was she? A She came to our place there on Pryor Creek.
Q Did you ever know any of her children? A No sir.
Q Who did you say her husband was? A Well I say I don't know; she had a boy, I think she had a boy. I [illegible] well; I knew the woman as well as [illegible]
Q That was [illegible] Armstrong Nave.
Q [illegible]
Q He was the [illegible]
Q That year [illegible]
Q There was [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
A [illegible]
Q [illegible]

Dinah Nakar (cont'd) 3

A I live right on that neighborhood.
Q Had you been around there in the neighborhood [illegible] where you
afterwards learned these parties were located? A I worked cattle
there for Dick Kinney around in the neighborhood of Pryor
Creek in 1867.
Q How far was that where you worked the cattle in 1867 from where
they were living when you first came there? A They were living
[illegible] about 3 or 4 miles, or should [illegible] was close.
Q Where was the living with [illegible] Dick Kinney? A
[illegible] miles.
Q Were they there in 1867? A [illegible]
Q Do you know whether she is living now or dead? A I don't know
whether she is living or not.
Q Do you know whether her husband Armstead? A Armstead is dead.

BY MR. SMITH:

Q Whose husband is Armstead? A That was her aunt Dinah, old aunt Dinah; I understand that is the same person.
Q About how old would she be now? A She would be an old lady.
Q About what age would you say? A I suppose she would be somewhere in '60s.
Q And you called her Dinah Nave? A Yes sir, her husband was named Armstead and they both belonged to old Alex Nave.
Q Do you know whether the woman you are talking about is the same woman who now goes by the name of Dinah Vann? A Couldn't; only understand so.
Q You don't know of your own personal knowledge? A No sir.
Q Well you came up in the spring or summer of 1866? A Yes sir.
Q And you stayed here a short time and went away again? A I stayed there until November, I left prior to November 1866.
Q And you came back here what time? A I came back in the Spring of 1867.
Q And how long did you stay that time? A I left again that fall and went back to Red River.
Q Your folks, the family, were not out here in the Cherokee Nation until then? A They came back in '67, fall of '67, in November.
Q Who was the owner of this woman you are talking about, Alex Nave? A Alex Nave, yes.
Q How far was that from where you lived when you came back? A We lived in Flint District about 3 or 4 miles or 5 miles near Evansville and Alex lived about a mile and a half from where I lived.
Q You came back to Pryor's Creek? A Yes sir.
Q That was about how far from where Alex Nave lived prior to the war? A About 65 miles.
Q You were about 65 miles from the old home of this slave? A Yes sir.
Q You don't know when she first came back to the Cherokee Nation?
A No sir, the first time I saw her was in 1868.
Q You don't know how long she had been back here when you saw her?
A No sir.

COMMISSIONER: Copies of this testimony will be filed in Cherokee Freedman Doubtful cases 865, 878, 844, 868 and 797.

M.D.Green, being first duly sworn, at oath that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case as dictated to him from the stenographic notes of J.D.Rosson by said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November [illegible], 190[illegible].

J C Starr
[illegible]

Cher Fr D 879

Cher Fr D 879

To be filed with the case of Frank Ross D. F. N. # 871

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 1st 1901.

In the matter of the application of Emma Powell for [illegible] of herself and eight children as Cherokee freedmen; [illegible] and examined by Commissioner Needles, she testified [illegible]:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant.
Mr. L. B. Bell, Cherokee representative.

Q What is your name? A. Emma Powell.
Q Is that your name now? A. Yes sir, my married name.
Q How [illegible] old are you? A. I guess about 40, 30 or 40.
Q What is your postoffice? A. Coffeyville.
Q What district do you live in? A. Ceoweeseeowee
Q You apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. I have got 12 children, three of them is married.
Q Are you married yourself? A. Yes sir.
Q Has your husband been enrolled? A. No sir, he is a state man.
Q What is your husband's name? A. Larkin Powell.
Q Now give me the names of your children, commencing with the oldest one at home under 21? A Hattie Bell.
Q Hattie Bell what? A They are on the roll Alberty, that 's my father's name; they are Ross.
Q Were you ever married to Ross? A Yes sir.
Q How old is Hattie Ross? A She is 17 years old, as near as I can guess.
A Now the next one? A. Lula Powell.
Q How old is Lula? A. She is 15. I dont know their ages exactly, I am guessing at it.
Q Well go on now? A Gertie, 13.
Q Next one? A Lillie Gusta.
Q Is it a girl? A Yes sir.
Q How old is she? A. About 10 or 12 years old.
Q Next one? A. Mamie.
Q How old is Mamie? A. She is about 9 years old.
Q [illegible] one? A. Jessie, she is about 8. Eddie Powell, five years old, going on five
Q Next one? A [illegible] Dollie, 2 years old.
Q Are they all Powell except the oldest one, Hattie? A Yes sir, they are about four Powells I give you there.
Q You gave me seven Powells, you say Hattie Bell is named Ross? A Yes sir.
Q Well, all the balance of them are named Powell? A No sir, only four Powells, or three.
Q What's Gertie's name? A She is a Ross.
Q What's Lula's name? A She is Ross, but it is on the roll Alberty.
Q What's Lillie's name? A. She is a Ross.
Q What's Mamie? A She is a Powell.
Q And Jessie is a Powell? A Yes sir.
Q And Eddie? A. Yes sir.
Q And Dolly? A Yes sir.
Q Your Ross children? A. Yes sir.
Q You have got eight children here, and how many married? A. Three married.
Q What was your first husband's name? A. Lewis Ross.
Q Was he a citizen? A. Yes sir.
Q Is he living? A. Yes sir.

Q Are you separated? A. Yes sir.

(Examined by Attorney Smith)

Q Were born a slave? A I dont remember.
Q About how old are you? A. I dont know, I guess I ought to be 50 or 40.
Q How old is your oldest child? A He is about 28, or 5, or about 26 I think, he is 24; my oldest child. I dont know his age exactly.
Q What is his name? A. Frank.
Q Who was his father? A. Ross.
Q Is his name Ross? A. Yes sir.
Q What is the next child's name? A. Will Ross.
Q What is your next child's name? A. Sarah.
Q Is she married? A. Yes sir.
Q What is her name now? A. Sarah Eliza Robinson.
Q What is your next one's name? A. Annette Powell now, she is married
Q What is the next one named, does that bring you down to Hattie, two boys and two girls are married? A That's all the married ones I have got.
Q That's all down to Hattie then? A. Yes sir.
Q How old is Hattie? A She is I think about 17 years old I guess.
Q Who was your mother? A They tell me, I don't remember, my mother, her name was Rhoda, I dont remember.
Q Rhoda who? A I don't know that.
Q Do you know who your father was? A. Yes sir.
Q Who? A Ben Alberty.
Q Where do you live? A Coowescoowee.
Q What is your post office? A Coffeyville.
Q How far do you live from Coffeyville, about? A. It is about 10 miles.
Q In the Cherokee Nation? A. Yes sir.
Q How long have you lived there in that place where you live now? About five or six ~~miles~~ years.
Q Where did you live before that? A. I lived closer to the river I moved from the Verdigris river out on Cedar, where I live now.
Q When did your husband Ross, die? A. He aint dead.
Q Are you divorced from him? A No sir.
Q Were these children, whose names you have given, born? All born in the Cherokee Territory.
Q What is your earliest recollection as to where you were living as far back as you can remember? A On Snow Creek.
Q In the Cherokee Nation? A. Yes sir.
Q Are you on the Kern Clifton roll? A Yes sir.
Q (Commissioner Needles)
Q Are you on the 1880 roll? A I don't know as I am, my father may be, I don't know, I may be.

[illegible] authenticated roll of citizens of the Cherokee Nation examined for applicant, and her father, and names not found.
[illegible] Kern Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
[illegible] 167 #4116 Emma Powell, Coowescoowee district.
[illegible] 167 #4117 Hattie Bell, Coowescoowee District
[illegible] 167 #4119 Nila Powell, Coowescoowee district.
[illegible] 167 #4118 Hettie Ross, Coowescoowee district.
[illegible] 167 #4120 Chester Ross, Coowescoowee district.
[illegible] 167 #4121 Mania Powell, Coowescoowee district.
[illegible] 167 #4122 Jess Powell, Coowescoowee district.
[illegible] Clifton roll of citizens of the Cherokee [illegible] not found.
[illegible] Ruby or Eddie? A. No sir.
[illegible] roll of citizens of the Cherokee Nation [illegible] and found on page 167 #4870 Emma Ross [illegible] District.

Q Was Lewis Ross the father of Lula? A No sir.
Q Who? A Powell, no Ross. Lewis Ross he is the father of this Lula.
(Examined by Cherokee representative, L.B.Bell)
Q Where were you born? A I don't remember where I was born.
Q How old are you? A. I don't know my age, at all. That's the reason I got this mistake now.
Q Where do you first recollect being? A On Snow Creek.
Q Who was your father? A Joe Albert.
Q Who was your mother? A I don't remember her, I called her Rhoda, I don't remember her; she died when I was quite young.
Q You don't know whether she was a Freedman? A No sir, I don't.
Q You say your father's name was John Albert? A He said he belonged to old John Albert.
Q You know nothing of yourself, as to where you were born, and brought up? A No, I don't recollect here at Snow creek? A No sir.
Q You live on Snow creek now? A. No, I live on Jadar now.
Q How far is that from Snow Creek? A About five miles.
Q You have lived there all the time? A Yes sir except when I lived at Bentley, the school.
Q You never lived in Kansas? A. No sir.
(Examined by Attorney Welch)
Q Have these children whose names you have given been living with you all the time? A All there single ones.
Q Where are the ones that are married living now? A. Right close to me
Q In the Nation? A. Yes sir.
Q Did they live with you up until they were married? A Yes sir.
Q These single ones they are living with you still? A Yes sir, the single ones.
(Examined by Cherokee representative, L. B. Bell)
Q They are all alive? A. Yes sir. When I left home they were.

This case is here discontinued to await the arrival of a witness in behalf of the applicant, who has been sent for.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

(signed) M. D. Green.

Subscribed and sworn to before me this June 5th, 1901.

(Signed) T. B. Needles,

Commissioner.

CONTINUATION of the examination of Emma Powell, taken by Stenographer M. D. Green, June 5th, 1901.

CHARLES CHAMBERS, called and sworn as a witness for the applicant, (Mr. Welch)
Q What is your name? A. Charles Chambers.
Q Where do you live? A. Hodson, I. T.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q How old are you? A. About 70.
Q Do you know Emma Powell? A Yes sir.
Q Was she married? A. No sir.
Q Did you know her mother? A. I saw her mother.
Q Where did you see her? A. I saw her when she used to live with John Albert.
Q Did she belong to John Albert? A. Yes sir.
Q How long ago was that when you broke out? A. Must have been a mighty little [illegible] I didn't remember seeing her then; when I came back here in [illegible]

Q Well you dont know then if she was born before or after the war?
A She must have been born during the war.
Q You dont know about it though? A No sor.
Q When did you first see Emma Powell in the Cherokee Nation after the war? A Right after the war. In 1867 when I came from Tahlequah.
Q Who was she with? A. Her father? A.
Q What was his name? A. Ben Alberty.
Q Who did Ben belong to? A. John Alberty.
Q What was this girl's mother's name? A I done forgot it.
Q Who did she belong to? A. I don't know if she belonged to John Alberty or not, she was there though.
Q When did you come backfrom Tahlequah the trip you made and saw Em Powell? A I started in '67 from Tahlequah.
Q Where were you going? A Just coming up on the creek to the old place hunting my old friends Joe and Jack Ross.
Q Where was Emma in '66? A I dont know for certain, on Snow creek I guess.
Q Do you know where she was in '66? A I dont know where she was I saw her father on Snow creek and I guess she was with him.
Q When did you come to the Alberty's there that time you say you saw the father? A In '67.
Q Was it in the fall of '67? A No in the summer.
Q You dont know how long they had been there do you? A. No sir her father had made a crop there and had another one started so he must have been there a while.
Q Had you seen her father any where else before that? A. No sir only on Snow Creek since the war, that was the first time since the war in the Cherokee Nation.
Q You say he had made one crop and had in another? A. Yes sir.
(By Bell)
Q Where is Snow creek? A Near the Virdigris river.
Q Which side? A. The east side.
Q How far is it from the Big Creek Whitmire settlement ? A About 15 miles.
Q Dod you settle on Snow creek? A Yes sir settled there first.
Q When did you settle there? A I dont know just when it was.
Q What year was it in? A. In '68
Q After Ben Alberty was there? A. He was there in '67, that is when I seed him there, and I went back to Tahlequah and then came back there again and settled.
Q Did you go out of the Nation during the war? A. Went to the Choctaw Nation.
Q Did you come back? A. Yes sir.
Q When? A. In '65.
Q The same year the war ended? A. It wasn't good peace yet when I come.
Q Are you certain that you saw this woman in '67? A Yes sir I seed her fater there in '67 and then I come back she was right there with her father Ben Alberty.
Q With her father? A. Yes sir.
Q Did they have any other children? A. Yes sir.

NELSON MURRELL called and sworn as a witness for the applicant-
(By Mr. Smith)
Q What is your name? A. Nelson Murrell.
Q Where do you live? A. In Cooweescoowee district.
Q How old are you? A. 77.
Q How long have you lived in the Cherokee Nation? A. I have lived here all my life, in here and the old country.
Q What do you call the old country? A. Tennessee and Georgia where the Indians were.
Q Do you know this applicant, Emma Powell?A Yes sir.

Q Did you know her mother? A Yes sir.
Q What was her name? A. Rhoda Alberty.
Q To whom did she belong before the war? A. John Alberty, known as Lng John.
Q Was he a Cherokee citizen? A. Yes sir.
Q Where did he live? A. Pryor creek.
Q Do you know if they were taken out of the Cherokee Nation during the war? A. Yes sir.
Q When did you first see this applicant Emma Powell in the Cherokee Nation after the war? A. First time I saw her I saw her on Snow creek in '66.
Q What time in '66? A Spring of '66.
(By Bell)
Q Where were you living then? A. On Snow Creek, in Cooweescoowee
Q What time did you come back after the war? A. In '66.
Q What time of the year? A. Spring of '66.
Q How early in the spring? A. Early in the spring.
Q Who came with you? A. Jow Ross.
Q You didn't come with Ben Alberty then? A. No sir he didn't come with me.
Q How far did you live from Ben Alberty on Snow creek? A About a miles and a half.
Q Did you make a crop there in '66? A Yes sir.
Q What was it? A Beans and corn.
Q Did you find a place already cleared out? A. I found an old Osage patch that had been cleared.
Q How much of a patch? A About 4 acres.
Q Did Ben Alberty have in a crop? A He has a small patch too.
Q How much? A. 2 or 3 acres.
Q Just what particular place is that on Snow creek that you and Ben had farms? A I had mine on the east side a mile from the mouth of Snow Creek and Ben's was a mile and a half on Snow creek north of the main Military road.
Q Did you or Ben live on the road? A. Ben lived on the road.
Q Now tell me what does Snow creek empty into? A. Virdigris river.
Q How far is that from Coffeyville? A 8 miles about.
Q You found an Osage patch? A. Yes sir.
Q And Ben found one too? A. Yes sir.
Q You was on the east side of Snow creek a mile from the mouth of it? A. Yes sir but not right on the creek.
Q How far from the creek ? A 3/4 of a mile.
Q How far from the river? A. About half a mile from the river.
Q Was Ben right on the creek? A Yes sir right on the creek, his house was 50 yards from the creek.
Q Right where the road crosses it? A. Yes sir.
(By the Commissioner.)
Q Are these children all living now and with you? A. Yes sir
Q Are you living with your husband now? A. Yes sir.
Q You dont apply for him though? A. Yes sir.

By Com'r Needler-

Emma Powell applies for herself and her children, to-wit: Hattie Ross, Lula Ross, Cartie Ross, Lillie G. Ross, Mamie Powell, Jessie Powell, Eddie Powell, Ora D. Powell. She avers that she is married now to Larkin Powell a non citizen; she avers that she was previously married to Lewis Ross, by whom she had four children, her four oldest children, and that the remaining children are by her husband Powell; she avers that she was a slave of one John Alberty who was a Cherokee citizen; she is identified on the Nedd Clifton roll as Emma Powell, and on the Wallace roll as Emma Ross, the name of her first husband. The names of all her children except the youngest are identified on the Korn Clifton roll, her unnamed child being

identified as Hattie Bell, her proper name being Hattie Rose; she makes no satisfactory proof as to her youngest child and it will be necessary for her to file with this Commission satisfactory certificate of its birth. She makes satisfactory proof as to her residence, and she will be listed for enrollment as a Cherokee Freedman with her children as enumerated herein, on a doubtful card because of the fact that she is not identified on the authenticated roll of 1880 and because her enrollment is contested by the Cherokee Nation. She will be notified by mail of the final decision of the Commission in regard to her application.

* * * * * * * * * * *

Name. You Walker, being sworn, states that he is a stenographer to the Commission to the Five Civilized Tribes, and recorded in full all the proceedings in the [illegible] case, and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(Signed) Chas. You Walker

Subscribed and sworn to before me this 1st day of June, 1902 at Chelsea, I. T.

(Signed) T. B. Needles,
Commissioner.

* * * * * * * * * * * * *

I, Chas. You Walker, hereby certify that the foregoing is a true copy of the original.

Chas. You Walker

Subscribed and sworn to before me this 30th of August, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 26th 1901.

W. W. Hastings, Cherokee attorney.

Mellette & Smith attorney for the applicant.

In the matter of the application of Frank Love for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles testified as follows:

Q What is your name? A. Frank Ross or Love.
Q You cant have two? A Ross I guess is it.
Q How do you sign yourself? A. I dont write.
Q What name do you go by? A. By Love mostly.
Q How old are you? A. I dont know exactly.
Q About how old? A. 21 or 2'.
Q What is your post office address? A. Gosfeyville.
Q In what district do you live? A. Cooweescoowee
Q Who else do you want to have enrolled as a Cherokee freedman? A. Yes sir.
Q What is your fathers name? A. Just myself.
Q Is he living? A. I dont know
Q What is your mothers name? A. Emma Powell.

By Smith-

Q Who is your mother? A. Emma Powell
Q Has she any children living at home with her? A. Yes sir
Q Who? A. Sertie, Lattie, Lula, Bud, Jesse.
Q She applied at Chelsea? A. Yes sir.
Q Have you any brothers or sisters that she didn't apply for? A. Will Love.
Q Where do you live now? A. On the head of Cedar creek
Q In the Cherokee Nation? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Are you on the Kern Clifton roll? A. Yes sir.
Q Did you draw the money from that payment? A. Yes sir.

Applicant not found on the 1880,1896 or Kern Clifton rolls.

Q Areyou on the Wallace roll? A Yes sir.

Wallace roll examined and the name of the applicant found as follows-Page 137,No.2871,Frank Love, Cooweescoowee district.

Q Did you ever have any other name besides Love or Ross? A. No sir.
Q Did you ever go by the name of Powell or Alberty? A. I guess so

Kern Clifton roll examined and the name of applicant found as follows- Page 187 No.4184 Frank Alberty, Cooweescoowee district

By Com'r Needles,-

Q How did you happen to be named Alberty? A. I dont know.

By Smith-

Q Have you ever gone by that name? A. Yes sir.
Q Where does your mother Emma Powell live ? A. On Cedar creek
Q In her post office Gofeyville? A Yes sir.

By Com'r Needles,-

Q Where were you born? A. On Cedar Creek, Cherokee Nation
Q Have you always lived here? A. Yes sir.

By Hastings-

Q Did you ever work in Kansas? A. Yes sir.
Q How long at a time? A. Some times I would work there two weeks and some times aday .
Q Where did you marry? A. In the Cherokee Nation.
Q Who did you marry? A. Annie Nave.

By Com'r Needles,-

Frank Love applies for himself; he is not found on the authenticatied roll of 1880; he is found on the Sam Clifton roll as Frank Alberty and on the Wallace roll as Frank Love; he makes satisfactory proof as to his residence and swears that he is the son of Emma Powell who has been listed for enrollment on Cherokee freedman doubtful card #475, and the testimony therein will be made a part of this case and a copy thereof filed herein ; he will be listed for enrollment as a Cherokee freedman on a doubtful card and when the final decission is arrived at he will be notified by mail.

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Chas. von Weise being sworn states that as stenographer to the commission to the Five civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

C. von Weise

Subscribed and sworn to before me this the 10th of July, 1901.

Commissioner.

F. D. 475.

File with Cherokee Freedman D-

[illegible], Frank Love.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 29,1902.

In the matter of the application of Emma Powell for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-475.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation..

DANIEL SANDERS, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Daniel Sanders.
Q Where do you live? A Big Creek.
Q How old are you, Mr. Sanders? A About 59 years old.
Q Are you a freedman? A Yes,sir.
Q Recognized Freedman? A Yes,sir.
Q Did you know Emma Powell? A Yes,sir.
Q Well did you know her father? A Yes,sir.
Q What was his name? A Ben Albertz.
Q When did you first become acquainted with him? A In the spring of '67.
Q Who did Ben belong to or do you know, just incidentally? A I don't know which one of the Albertys.
Q Well do you know what became of them during the war? A No, I don't know that.
Q Do you know when he first came back with his family after the war? A I saw him along about the first of April, '67; he was living on Snow Creek.
Q Well do you mean you saw them there in '67 on Snow Creek? A Yes, sir.
Q Well do you know how long they had been living there then; that's the first time you had seen them? A That's the first time I had seen them.
Q Well they had a place there and lived there? A Yes,sir.
Q Lived in a house? A Yes,sir.
Q Well now who was his family, what did his family consist of? A Well I think there were three or four children; I don't know just exactly.
Q How long did he live there? A Lived there till he died.
Q Well how long did that take? A Oh, I don't remember what year it was he died.
Q Well what became of Emma; was Emma, you say was his daughter; about how old was Emma at the time you first knew her? A She was a small girl.
Q What became of her? A She married a fellow by the name of Long
Q Did she continue to live there? A Yes,sir, lived right there.
Q Who was Long; where did he live? A Over there on Snow Creek.
Q Did she afterwards- what became of Long, do you know? A I think he died.
Q Then who did she marry? A This man Powell.
Q And where did she continue to live? A Over on Snow Creek.
Q In the Cherokee Nation? A Yes,sir.
Q Do you know whether she is still alive or not, Tuck? A No,sir, she's dead.

Q When did she die? A I don't just really know; I never kept the dates of it; seven or eight months.
Q Has it been this year; in the last few months; or what is your recollection? A I never kept no account of it; I wasn't home when she died, and never kept no count of it.
Q Has she died since the Commission made its round about a year ago? A I think so.
Q Well what was there about the place where this man was living when you saw him in the spring of '67? A Why he had a log-house, you might say, a good-sized pole house, and a little field, and a horse lot and a cow lot.
Q Did he have any crop? A Yes,sir, he had a grain crop, about seven or eight acres of land up on Snow Creek.
MR. HASTINGS: Where were you going, Dan, when you saw him? A I was going to a little place called Claremore.
Q How long had you been in there yourself? A I had been there a good while.
Q How long had your mother and the women folks been there? A Quite a little while.
Q Do you remember them searching your wagons away up there near Fort Scott for Eli Mackey? A Nobody ever searched a wagon of mine.
Q Did they search anybody else along in your crowd? A Don't know anything of it.
Q Don't know anything about that? A No,sir.
Q You never heard of it before, did you? A Not until I have got here in the last day or two.
Q You have heard it around here the last day or two? A Yes,sir.
Q These colored fellows have been telling you? A I just heard that there was such a statement, but I never knew anything of it until now.
Q Then you heard of it the last day or two? A Yes,sir, I don't know who told me.
Q You never saw these parties until April of '67? A No,sir.

REUBEN SANDERS, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Reuben Sanders.
Q What's your posteffice, Mr. Sanders? A Centralia, I. T.
Q How old are you? A Well I generally guess at it, I don't know it
Q Well guess at it? A I am something near about 50.
Q Well are you acquainted with or were you acquainted with Emma Powell in her life time? A Yes,sir.
Q When did she die, Reuben? A She died last March.
Q March,1902? A Yes,sir.
Q This year? A 1902, yes,sir.
Q Did you know her father? A Yes,sir.
Q What was his name? A Ben Alberty.
Q Where did he live? A He lived on Snow Creek.
Q When did you first know of him on Snow Creek, first see him on Snow Creek after the War? A It was along in the spring of '67, when I first seen him after the war.
Q Was that the first time you saw him at all anywhere in the Cherokee Nation after the war? A Yes,sir, it was the first time I saw him in the Cherokee Nation after the war, but the first time I saw him it was along in the last part of '65 or '66.
Q Well where was he then? A He was then- I and his children was going to school together, we lived in about something like 25 or 30

Yards apart in Fort Scott, Kansas, and he come there and got his children; come in here for the Nation.
Q Well when you was down to his place in the summer of '67 did he have his family there? A Yes,sir, he and his children were living there.
Q Well who were his children? A Emma, and one they called Charlotte, and another one they called Ben, and one they called Bill, and the other ones I don't recollect their names.
Q What became of Emma? A She died.
Q This Emma Powell is the one that died recently? A Yes,sir.
Q Did she grow up there? A Yes,sir, she grew up on Snow Creek.
Q In the Cherokee Nation? A Yes,sir.
Q Who did she marry? A Married this gentleman by the name of Powell; he wasn't her first husband though.
Q Well who was Charlotte; what became of Charlotte? A She was a sister or half sister.
Q She was Emma's sister? A Yes,sir.
Q She one of Ben's children? A Well I didn't know whether she was or not, but it was my impression that she was; I didn't, never did know.
Q Well did she grow up there in the country too? A Yes,sir, she grew up there in the country.
Q In the Cherokee Nation? A Yes,sir.
Q Did she marry? A Yes,sir.
Q Who did she marry? A The first man that she married was Dawson.
Q Who? A Dawson, and the next one to my knowledge was French.
Q What became of Dawson, did he die? A Yes,sir.
Q What French was it she married? A Wash.
Q Wash French? A Yes,sir.
Q Well where does she live now, she and Wash? A She lives on the Verdigris.
Q Well where is that, in the Cherokee Nation? A In the Cherokee Nation.
Q What did that man, Ben Alberty, have down there where you saw him in '67; did he have a place? A Yes,sir, he had a pole house, a house made out of poles, and he had a little field, and lived on the north west of Snow Creek, on the yon side, and he had a little field north of the house, and he had, of course he was poorly fixed at that time, he slept in his house in a drygoods box and some hay and had some quilts.
Q Have any crop? A Sir?
Q Did he have any crop there? A He had a little corn, wasn't very large.

MR. HASTINGS: You testified twice in the Elizabeth Meigs case didn't you? You testified and then you wasn't satisfied with your testimony, and you made another statement, didn't you?

MR. SMITH: That is objected to because it has no reference to this case and does not tend to prove any issue in this case.

COMMISSION: Let him answer the question.

Witness: Yes,sir, I testified.

MR. HASTINGS: You testified first that you came back to this country about the last of January '67, and then you thought you had made a mistake, and went back and testified that you came back the middle of January of '67? A Here's what I stated at that time; that was my impression, and the reason why I correct my mistake was that I said I come here in January, '66.
Q January of '66? A Yes,sir, that was what I was intending to correct. I said we moved here in January, '66, that was my intention, that was my reason why I asked to correct my statement.
Q Well did you want to correct it to January of '67? A You see we

taken our claims in August,'66.
Q And when did you move here? A In January. January '66 was before August of '66.
Q Well when did you move here? A Well in my statement I said-
Q Well I am not talking about your statement. A In my statement I said when I first started we moved here--
Q When did you move your family? A I told you we come three times.
Q Tell me when you moved your family here; answer that question?
A I said along '67, moved them January,'67.
Q That's when the women came along? A The women came along, and I first told you the women came along.
Q Did you say that in the Elizabeth Meigs case? A I didn't tell it in the Elizabeth Meigs case, that is at that time.
Q Didn't you testify that you brought your families along with you, that you came here in January of '67? A I said that's when Elizabeth Meigs moved, when Elizabeth Meigs moved, but I didn't say that we didn't have no women when I come in August.
Q You didn't? A No,sir, I didn't.
Q Well didn't you swear that at that time that they were searching parties out searching for Eli Mackey, who had killed a man by the name of Hayford? A Yes,sir, I made some statement in regards to that.
Q Well they were searching your wagon? A I don't know as they searched our wagon particularly.
Q Well weren't there searching parties out? A I didn't make the statement that they searched our wagon.
Q Didn't make any statement that they searched your wagon; well there were searching parties out for Eli Mackey at that time, wasn't there? A Does that have anything to do with this case?
Q Answer the question. A There was searching parties out for Eli Mackey at some time, I recollect.
Q That was when you was coming down here, wasn't it? A Well that may have been when we were coming down.
Q Well you know that there was searching parties out for Eli Mackey?
A Yes,sir.
Q The man that killed Hayford; where did this searching party overtake you people?
MR. SMITH: I object to that because there are two questions.
Witness: I don't know which one to answer. The searching parties overtook us in the Nation.
MR. HASTINGS: Where? A Down here across on Big Creek, near about.
Q Near about Big Creek? A Yes,sir.
Q Was your brother Dan Sanders along? A Yes,sir, he was along.
Q Your father was along? A Yes,sir.
Q About how many people were along in that party that came along and searched? A I told you in my statement that I didn't know the people that came along in that party.
Q About how many was there along in the searching party, the people that were looking for Eli Mackey? A There was only one man.
Q There was only one man? A Yes,sir, one man that I know of.
Q Only one man? A Yes,sir, that said he was searching.
Q Said he was searching? A That's what we thought at least.
Q How many people were along with you at that time? A I told you in my statement that I didn't know just how many people was along with us at that time.
Q Well now was it after this that you saw this Ben Alberty up on Snow Creek? A Yes,sir, it was in '67 when I saw Ben Alberty on Snow Creek.

Q You never saw him in the Cherokee Nation until '67? A No, sir.
Q Well now how long after this searching party was it till you saw Ben Alberty? A It was along in the spring, I said when I came down here in the spring of '67.
Q About how many months after this that you moved down now, and that this searching party was along, until you saw Ben Alberty?
A I don't know just how many months.
Q Well about how many, your best judgment? A My judgment was along in about April when we saw Ben Alberty.
Q I want to know how many months after you moved down here with that crowd of people; that's what I am trying to get from you?
MR. SMITH: I object to that because it is already answered.
COMMISSION: Answer his question again if you can.
Witness: I answered your question when I told you it was along near about April when I saw Mr. Alberty.
MR. HASTINGS: That ain't the kind of an answer I want; I want to know how long after you came down with your family it was till you saw Ben Alberty? A I say it was along in about April.
Q Well was it one month, two months or four months?
COMMISSION: Do you know how long after it was; have you any idea how long it was.
Witness: April was at least.
COMMISSION: Just tell him to the best of your knowledge.
Witness: Well that would have been near about two months.
MR. HASTINGS: Near about two months? A Near about that, yes, sir.
Q Well then you were here about the first of March, were you, and you saw him in April, is that correct? A That wouldn't be correct according to the way you have got it.
Q Well according to the way now that you want it how was it? A The way I want it I say it was along in April when I saw Uncle Ben.
Q Well now you say that was about two months after you come? A About two months after I come? I say we come down in January.
Q Well about how long was it then after you come till you saw Uncle Ben? A Be January and February, and March and April would have been something near about two months.
Q About two months? A Yes, sir, a little over two months maybe, the way I have got it, along in April, that's the way I have got it.
Q What time in April was it you saw him up there? A Well, just the day of the month I never put it down.
Q How old are you? A I haven't got that down either.
Q Well, don't you have any idea? A Well I stated a while ago that I was near about fifty. Uncle Ben had a field north of his house and had some logs, had built a log house.
Q You was very clear when you was being examined in the Elizabeth Heigs case, and you volunteered yourself to tell about this searching party, weren't you, haven't you been talking to these people here been here? A No, sir.
Q None of them told you? A Ask them, some of them, ask them.
Q Have you, you are under oath now? A These people ain't talked to me about it.
COMMISSION: Answer his question.
Witness: No, sir, they ain't.
MR. HASTINGS: You never heard nothing said, did you? A No, sir.
Q You come with your brother Dan? A Then?
Q When you came down here? A No, sir.
Q You didn't come with him? A No, sir.
Q Been with him any since you have been here? A Yes, sir, I have been with him a little.
MR. SMITH: Reuben, You have been called on to testify for the

CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

Q You never saw him in the Cherokee Nation until '67? A No,sir.
Q Well now how long after this searching party was it till you saw Ben Alberty? A It was along in the spring, I said when I came down here in the spring of '67.
Q About how many months after this that you moved down now, and that this searching party was along, until you saw Ben Alberty?
A I don't know just how many months.
Q Well about how many, your best judgment? A My judgment was along in about April when we saw Ben Alberty.
Q I want to know hos many months after you moved down here with that crowd of people; that's what I am trying to get from you?
MR. SMITH: I object to that because it is already answered.
COMMISSION: Answer his question again if you can.
Witness: I answered your question when I told you it was along near about April when I saw Mr. Alberty.
MR. HASTINGS: That ain't the kind of an answer I want; I want to know how long after you came down with your family it was till you saw Ben Alberty? A I say it was along in about April.
Q Well was it one month, two months or four months?
COMMISSION: Do you know how long after it was; have you any idea how long it was.
Witness: April made at least--
COMMISSION: Just tell him to the best of your knowledge.
Witness: Well that would have been near about two months.
MR. HASTINGS: Near about two months? A Near about that, yes, sir.
Q Well then you were here about the first of March, were you, and you saw him in April, is that correct? A That wouldn't be correct according to the way you have got it.
Q Well according to the way now that you want it how was it? A The way I want it I say it was along in April when I saw Uncle Ben.
Q Well now you say that was about two months after you come? A About two months after I come? I say we come down in January.
Q Well about how long was it then after you come till you saw Uncle Ben? A Be January and February and March and April would have been something near about two months.
Q About two months? A Yes,sir, a little over two months maybe, the way I have got it, along in April, that's the way I have got it.
Q What time in April was it you saw him up there? A Well, just the day of the month I never put it down.
Q How old are you? A I haven't got that down either.
Q Well, don't you have any idea? A Well I stated a while ago that I was near about fifty. Uncle Ben had a field north of his house and had some logs, had built a log house.
Q You was very clear when you was being examined in the Elizabeth Meigs case, and you volunteered yourself to tell about this searching party, weren't you; haven't you been talking to the people since you have been here? A No,sir.
Q None of them told you? A Ask them, some of them, ask them.
Q Have you, you are under oath now? A These people ain't talked to me about it.
COMMISSION: Answer his question.
Witness: No,sir, they ain't.
MR. HASTINGS: You never heard nothing said, did you? A No, sir.
Q You come with your brother Dan? A When?
Q When you came down here? A No,sir.
Q You didn't come with him? A No,sir.
Q Been with him any since you have been here? A Yes,sir, I have been with him a little.
MR. SMITH: Reuben, You have been called on to testify for the

Cherokee Nation in about as many applications against as many applicants as you have for them, haven't you? A Yes,sir, I have.

MR. HASTINGS: And the Cherokee Nation tried to get you here as a witness the other day and paid your fare to get you to come down here and you refused to do it didn't you? A They didn't pay my fare.

Q Didn't they offer you the money? A No,sir, they didn't offer.

Q Didn't they serve a subpoena too? A No,sir, they never offered me no money.

Q And you wouldn't come would you? A Why you didn't give me the money to come on.

Q Well did you come? A Yes,sir, I come.

Q In obedience to that subpoena? A I am here now.

Q Were you subpoenaed to be here today by the Cherokee Nation? A I guess I was subpoenaed to be here today by the Cherokee Nation.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Frank Love, D-879, John Baldridge, Jr., D-480, William Love, D-479, Nettie Powell, D-478, and in the case of Sarah Robinson, D-476, also in the case of Charlotte French, D-1012, as well as in the case at bar, the same being that of Emma Powell, No. D-475.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 11th day of July,1902.

P. G. Reuter,
SEAL. Notary Public.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 21st day of August,1902.

B. Jones
Notary Public.

Freed [illegible]

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., May 21, 1902.

In the matter of the application of [illegible] for enrollment as a Cherokee Freedman.

Applicant appears by Mellote & Smith, Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Thompson, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17209 filed in the Mariah Hayden case [illegible] a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible] Lane, [illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the applicant, that the applicant will be ascertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court of the Northern District, Indian Territory.

Mr. Smith:

The additional [illegible] above including the [illegible] cannot be allowed [illegible] or all of the [illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 579.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T. December 22, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Frank Love, as a Cherokee Freedman.

On December 1, 1904, the applicant was notified by registered mail, and on December 3, 1904, the attorneys for the Cherokee nation were notified by letter, that the matter of the application for the enrollment of Frank Love as a Cherokee Freedman , would be taken up by the Commission to the Five Civilied Tribes, at its offices in Muskogee, Indian Territory, on the 22nd day of December, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 22nd day of December, this cause coming on to be heard pursuant to said notice, said applicant being called fails to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-o-o-o-o-o-o-

Opal Griggs, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 22nd day of December, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Opal Griggs

Subscribed and sworn to before me this 30th day of December, 1904.

Charles H Sawyer
Notary Public.

Cher Fr D 880

Cher Fr D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 26th 1901.

W. W. Hastings attorney for the Cherokee Nation;

Mellette & Smith for applicant

In the matter of the application of Perry Adams for the enrollment of himself and two children as Cherokee freedmen and for the enrollment of his wife as a Cherokee freedman by intermarriage. He being sworn by Commissioner T. B. Needles, testified as follows-

Q What is your name? A. Perry Adams.
Q What is your age? A. I dont know.
Q About how old? A. 40 I guess.
Q What is your post office address? A. Coffeyville
Q In what district do you live in? A. Cherokee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled? A. I have two children and a wife.
Q What is your wife's name? A. Katie.
Q How old is she? A. Near 40.
Q What are the names of your children? A. Nancy
Q How old? A. 15 years.
Q Next? A. George
Q How old? A 10 years'
Q Is your name on the roll of 1896? A. No sir.
Q Is your wife's? A No sir she is a single raised woman
Q Do you apply for her by intermarriage? A. Yes sir.

By Smith-

Q How old are you? A. 40.
Q Were you a born slave? A. Yes sir.
Q What became of you during the war? A. Went to Kansas.
Q Do you remember anything of your own knowledge as to when you came back here? A. Very little. I came via my grand father did.
Q Can you remember that? A. Yes sir.
Q Who was your grand father? A. Uncle Adam is all I ever heard him called.
Q Do you know where you went when you first came back to the Cherokee Nation? A. To the old Jack Spoon place.
Q How far from where Vinita is now? A. I dont know.
Q About how far? A. It might be 10 or 15 miles.
Q How long did you stay there? A. 3 years may be.
Q Where did you go then? A. Rambling along around here every where
Q When did you marry? A. In 1871.
Q Have you a certificate of your marriage? A. No sir.
Q Who married you? A. A preacher in Kansas.
Q What place were you married at? A. Leavenworth.
Q Did you get a license? A. Yes sir.
Q From the clerk? A. Yes sir.
Q Who did you marry? A. Katie Bennett.
Q Is she living now? A. Yes sir.
Q Is you the father of her children? A. Yes sir.
Q Have you any children except those you have named? A. Yes sir.

By Smith's Counsel.

Q Have you lived with Katie Bennett continuously since you married her? A. Yes sir.
Q Have you married another? A. No sir.
Q How old is Katie? A. 40.

By Hastings-

Q When did you marry her? A. In 178.
Q At Humbolt Kansas? A. Yes sir.
Q When did you first see Crap Lynch after the war? A Used to live right close to us.
Q You came back right after the war did you? A. Yes sir.
Q Who with? A. My mother, grand father and grand mother.
Q What was your grand father's name? A. Adam.
Q Adam what? A. That was all the name I knew.
Q What was your grand mothers name? A. Charlotte.
Q What? A. I dont know.
Q Where was your father when you came back here? A. He died in Kansas.
Q What was your fathers name? A. Rector Landrum
Q Your mothers name? A. Polly Landrum.
Q Did your mother die in Kansas? A. No sir she isn't dead.
Q She came back here? A. Yes sir.
Q How long did you live in the Lynch settlement? A. Maybe three years
Q Who with? A. My grand father.
Q What side of Grand river, east or west side? A. Eeast side.
Q Did your grandfather have a place there? A. He made alittle place there.
Q Who was his neighbors? A. Crap Lynch was his nearest neighbor.
Q Did you draw strip money? A. No sir.
Q You applied for it? A. Yes sir.
Q And Crap was one of your witnesses at that time? A I think he was.
Q Didn't he swear at that time that he saw you for the first time just 5 or 6 years befor that? A. I dont know.
Q You say you staid there two,or three years after the war? A. Yes sir.
Q Where did you go then? A. Just rambled around.
Q Where? A. Bib creek, Snow creek and in Kansas.
Q You married in Kansas? A. Yes sir.
Q Were you in Humbolt Kansas in 178? A Yes sir.
Q Where did you and your wife first keep house? A. On Hog Shooter creek
Q Where is that from here, near what town? A Near Bartlesville.
Q How long did you live there? A. Not long and then she went back to her folks in Chanute Kansas.
Q Did you go back with her? A No sir.
Q Have you ever seen her since? A. Yes sir, she came back right away.
Q Who did you stay with there? A. Old man Gorleyhand
Q Where didyou live after that? A. Worked on the railroad.
Q Where? A. About Vinita.
Q You have never had a permanent home in the Cherokeenation have you? A. Yes sir.
Q Where? A. On the river over here.
Q When did you get it? A. Six years ago.
Q About the time of the Kate Shifflett payment? A. No sir before.
Q Who are your neighbors? A. Nelson Murrell.
Q Did you come direct from Kansas there? A. No sir.
Q Where were your children born? A. In the Cherokee nation.
Q Is your name on any of the rolls? A. Yes sir the Dawes roll.

Dawes roll examined and applicant found as follows-
Page 98 No. 2161 Perry Adam, Cooweescoowee district.

By Commission-

Q Did you ever apply to the authorities at Tahlequah to be enrolled? A No sir.

By Hastings-

Q When did your father die, how long after the war? A. I don't know
Q Was he dead when you married? A. I dont think he was.
Q He lived there in Kansas until he died? A. Yes sir, he came here and went back and took sick and couldn't get back again
Q Did your mother live up there with him? A. No sir.
Q Didn't she live with him when he died? A. No sir.
Q Where was she? A. At Vinita
Q When did she come here after the war? A. Directly after we did.
Q Where to? A. She stopped with Benny Rose
Q Was he running a blacksmith shop there? A. I dont know much about it, I was sick when we got there.

Smith-

Q How long had you been in Humbolt when you married? A. Not more than a week the time I married.

Hastings-

Q You mean to say that you just went up there and saw a woman a week and married her? A. I got acquainted with him on Coosewoo Band and went up there and married her.
Q Where did you work in '77? A. I married in '78.
Q Where did you work before that? A. For Curleyhead.
Q Where did you work in '76? A. I think I was on the railroad then.
Q Where was you in '75? A I cant tell.
Q Where were you in '74? A I dont know

Andersen Lynch called and sworn as a witness for the applicant

By Smith-

Q What is your name? A. Andersen Lynch
Q What is your post office? A. Vinita
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Are you a Cherokee citizen? A. Yes sir.
Q Recognized as such by the Cherokee Nation? A. Yes sir.
Q Do you know the applicant here? A. Yes sir.
Q How long have you known him? A. Ever since he was a little bit of a boy.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. Pauline Landrum.
Q Was she a Cherokee Indian? A Yes sir.
Q Was she married? A. Yes sir.
Q Who was she before she married? A. She was a Martin.
Q There was this applicant when the war commenced? A. He lived with at the Pumpkin place.
Q Where did he go during the war? A. Went to Kansas.
Q Who was his father? A. Ben Adam.
Q Who was his grand father? A. Adam
Q Which? A. [illegible] as all I know.

Q Do you know when this boy came back to the Cherokee Nation? A. No sir I dont know, when I saw him it was in '97, at old man [illegible]'s place.
Q What time of the year? A. In the spring.
Q Who was he living with? A. Young Allen Lynch, he was Noe's boy
Q How long did you hear of him being there? A I dont know.

By Hastings-

Q You never did see [illegible] his father down there? A. Yes sir his father came down with old Steve Lynch
Q His father died in Kansas? A. Yes sir.
Q His father is living? A. Yes sir.
Q Was testifying for this man before the Clifton court? A. No sir I wasn't called.
Q Your name is Anderson Lynch? A. Yes sir.
Q You are the only one of that name that you know of? A. Yes sir
Q You say they had you testified for this applicant before the Clifton Commission? A I dont remember it.
Q I will ask you if you didn't say before the Kern Clifton Court that you never saw his boy until 3 or 4 years before that since the war? A. No I dont know if it was 3 or 4 years, I dont remember over going in for him.
Q Well how many years before the Kern Clifton Commission was it that you saw him? A. I could tell correctly.
Q What is your post office? A. Ft Gibson
Q Was that the time that you first saw him after the war? A. I saw him in 97 the first time after the war.
Q How far did you live from his old man's? A 3 or 4 miles.
Q When did you see him the next time? A 3 or 4 miles.
Q Was he married then? A. I guess he was. Q. At the Wallace court.
Q You dont know as to that? A. No sir.
Q Did you ever see his wife? A. No sir.
Q You are no kin to him? A. No sir.
Q You dont know where his children were born? A. No sir.
Q Have you ever seen his since the Wallace court? A. Yes sir several times there at Vinita.
Q You haven't much idea of where born you? A. I never heard any better dont know how no idea I dont know much about them

Solomon McNair called and sworn as a witness for the applicant-

By Smith-

Q What is your name? A. Solomon McNair.
Q What is your age? A. [illegible]
Q What is your post office? A. [illegible]
Q Are you related to this applicant? A. No sir.
Q How long have you been acquainted with him? A. [illegible]
Q Was did he live when you first knew him? A. [illegible]
Q You did live in Cherokee Nation? A. Yes sir.
Q Where was you living when the war commenced? A. He was at [illegible]
Q You did leave out of the Nation during the war? A. I dont know.
Q What did he do with himself? A. I dont know.
Q When did you first see him after the war? A. [illegible]
Q Where? A. He came home with his grandfather.

Q How old was he then? A. I don't know.
Q Was he a boy? A. Yes sir a good sized boy.
Q About how old did he look to be? A. 15 or 16.
Q What was his grand father name? A. John Martin.
Q What time of the year did you see him? A. February.
Q What time of the month? A. About part.
Q How long was he there? A. I don't know.
Q Do you know where this accusant lives now? A. No sir
Q Have you ever seen him since 27 until now? A. Yes sir.
Q Where? A. In the Cherokee Nation in Virginia and in Vinita.
Q How long since you saw him in Vinita the first time? A. At the Wallace court.
Q Do you know where he was in 97? A. No sir.
Q Do you know when he married? A. No sir.

Hastings-

Q Wasn't he married when you first went out? A. No sir.
Q Didn't have a wife with him? A No sir.
Q No children? A. No sir.
Q How old was he then? A. About 16 .
Q That is your best judgment? A. Yes sir.
Q That was a long time ago? A. Yes sir.
Q And you are answering as to the month and day that you saw him then? A. Not as to the day, I don't remember that.
Q But you are willing to swear as to the month? A. I know that it was the next two months after Christmas.
Q Where was you Christmas of '97? A. I went up.
Q Where was you in February of 1898? A. I don't know.
Q What is the reason that you know that you saw him two months after Christmas? A Well there was an election coming off and there was a great deal of excitement and I remember it that way
Q How long after that was the election? A. August 98
Q And you remember having seen him in February of 1898 because in August of 98 there was an election ? A Yes sir they was around them trying to get votes.
Q Where did you see this fellow that time? A. With his grand father
Q Did you ever see his wife? A. No sir.
Q Do you know where he married? A. No sir.
Q How long did you see him there? A. Over an hour.
Q When was the last time you saw him after that? A. 3 or 4 years before the Wallace court .
Q You never saw him any more from that time until 3 or 4 years before the Wallace court. A I saw him once before that.
Q Did he have his wife with him at that? A. I don't know if he was married or not.
Q You have never been to the place where this man is living? A. No sir.

By Examiner of applicant

Q Do you remember when you came first to the Cherokee Nation? A. No sir, I just remember coming with grandfather and grand mother and my mother.
Q You did know how old you were? A. No sir.
Q You did know how long after that before you married? A. No sir.

By Com'r Needles,

Perry Adams applies for himself and two children as Cherokee freedman and for the enrollment of his wife as a Cherokee freedman by intermarriage; he is not identified on any of the Cherokee rolls except the Wallace roll; he avers that he was a slave, and reference is made to the testimony as to his return to the Cherokee Nation; he avers that he married one his wife Sadie, a non citizen in Kansas in 1872 but presents no proof of marriage ; his two children as named in the testimony are not found on any of the rolls of the Cherokee Nation in the possession of the Commission; it will be necessary for him to file proof of his marriage and also proof of the birth of his two children. Now the said Perry Adams and his two children as named will be listed for enrollment as Cherokee freedman on a doubtful card and his wife Sadie will be listed for enrollment as a Cherokee freedman by intermarriage on a doubtful card, and he will be notified on the final outcome of the investigation of the Commission by mail.

* * * * * * * * * * * * * * * *

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes herein.

Subscribed and sworn to before me this the 16th of July, 1901.

Commissioner.

C.F., D-880.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the matter of the application of Perry Adams et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

Silas Alberty, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Silas Alberty.
Q Where do you live, Silas? A I live up on the Verdigris.
Q Cherokee Nation? A Yes, sir.
Q Well, what is your postoffice? A Lenapah.
Q How long have you lived in the Cherokee Nation in Cooweescoowee district? A I lived in this district ever since the war.
Q What section of the district have you been living in the greater part of the time since the war? A Northern part.
Q How far from Coffeyville, Kansas, do you live? A It is about 15 miles.
Q Do you know the applicant, Perry Adams? A Yes, sir.
Q How long have you known him? A I have been knowing him ever since the Hayden payment.
Q Where was he living when you got acquainted with him; that is, his family, if you know? A Why he said his family lived in Humboldt, Kansas.
Q Well, did you ever have anything to do with him in reference to any business transaction; if so, what was it? A Why he worked for me about two years.
Q Well, was he hired, or did he make crops? A I had him hired, helpingmake crops, making crops, doing first one thing and another, whatever I wanted him to do.
Q Now, I understand you, you got acquainted with him at the Hayden payment? A Just after that, he came to my place hunting work.
Q Was his family with him when he came to your place? A No, sir.
Q Do you know of your own knowledge where his family was? A Why he said they was in Humboldt.
Q Well, did you have anything to do with assisting him in getting him family down, and if so, what were the circumstances? A I let him have money to send these folks, and he moved his folks on my place.
Q How long did he stay with you, you say? A Two years.
Q Do you know where he is living now with reference to your place?
A Yes, sir.
Q How far is he living now? A About 8 miles.
Q On whose place is he living now, and near whose? A Close to old man Nelson Murrell on Snow Creek.
Q You have lived in that neighborhood up there since the war I believe you said? A Yes, sir, I have been living on the place I am on about 16 years.
Q How far is that from Hogshooter Creek, about how many miles?
A About 15 miles.
Q The colored people, you know whether or not they have been having celebrations and gatherings over that country generally ever since the war? A I have never heard of any.
Q They have been having celebrations and gatherings each year?
A They have been at Gooseneck and Possum Creek each year.
Q Well, have you been attending these gatherings celebrations that have from year to year at Possum Creek and Goose Neck? A Yes, sir, they have them in about half a mile of my place, at Gooseneck.
Q And as I understood you, the first time you ever met this appli-

cant was just after the Hayden payment? A Yes, sir.
Q What payment now do you mean, the one that was made by Dickson to the Freedmen? A Yes, sir.
Q And he told you then, as I understand, that his family was in Kansas; did he say what place in Kansas? A He said they were in Humboldt.
Mr. Smith: What did you say your name was? A Alberty.
Q Where do you live? A I live at Goose Neck Bend.
Q What is your postoffice? A Lenapah.
Q Well, the Perry Adams that you are talking about you think never was in the Territory at all until the Hayden payment came on? A I don't know, sir.
Q Well, what are you trying to tell us; that you were at a number of celebrations and never saw him? A I never saw him anywhere before that.
Q Do you go to all these celebrations? A Yes, sir.
Q Do you have anything else to do besides go to celebrations?
A Yes, sir, I used to run boreding tables.
Q At the celebration? A Yes, sir.
Q What else? A Nothing else.
Q Well, you went over to the celebrations at what place? A I went to Gooseneck and Possum Creek.
Q Do you know every colored man and woman in the Cherokee Nation up there? A I can't say that.
Q You don't know anything about who this man Perry Adams belonged to, if he was a slave, before the war? A No, sir.
Q You don't know where he was during the war? A No, sir.
Q Don't know who his father was? A No, sir.
Q Don't know when he came back to the Cherokee Nation? A No, sir.
Q You don't know what points in the Cherokee Nation he lived, if he lived any place in the Cherokee Nation before he lived up there, do you? A No, sir.
Q And all that you know about it is that your acquaintance with him dates from the Hayden payment? A Yes, sir, come to my house hunting work, and I hired him.
Q And as to his family you don't know how long they have been in Humboldt or anything about that? A No, sir.
Q If they were there; and all you know of their being there is you understood they were there and you let him have some money? AHe said they were there and he wanted some money to send for them.
Q And he sent for them? A Yes, sir, and I moved them down from Coffeyville to my place.
Q You don't know how long they had been in Kansas? A No, sir.

SIM ROGERS, being duly sworn by Commissioner Needles, testified as follows:
Mr. Davenport: What is your name? A Sim Rogers.
Q Where do you live? A Gooseneck Bend on the Verdigris.
Q How long have you lived in that country? A I have lived there about 24 or 25 years.
Q That is in the Cherokee Nation, is it? A Yes, sir.
Q Do you know the applicant here, Perry Adams? A Yes, sir, I am acquainted with him.
Q How long have you known him? A Four or five years.
Q Where was he when you first got acquainted with him? A He was at Silas Alberty's.
Q You had lived in that section of the country about 24 or 25 years?
A Yes, sir.
Q How far is it from where you have been living to Nogahooter or Curleyhead neighborhood? A I don't know just the exact distance, how far it is, 10 or 12 miles I reckon.
Q Have you ever been in that locality? A Yes, sir.
Q Had you been generally around for the last few years over

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COMMISSION TO THE FIVE CIVILIZED TRIBES

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that country among the freedmen at their celebrations? A Yes, sir.
Q Did you ever see this man Perry Adams before the time you speak of seeing him at Alberty.s place? A No, sir, never saw him till I saw him at work there.
Q Do you know of his living at any place in the Cherokee Nation prior to that time? A No, sir, don't know anything about him, first time I saw him he was at Silas Alberty's.
Q About how long ago was that? A It had been four or five years ago.
Mr. Smith: You don't know anything about him before the war?
A No, sir.
Q Don't know who he belonged to? A No, sir.
Q Don't know who his father was? A No, sir.
Q You don't know where he was living before you saw him at Silas Alberty's? A Yes, sir, I do, he told me he lived at Humboldt, Kansas, his family was at Humboldt.
Q You don't know what points in the Cherokee Nation he lived before you saw him? A No, I don't know whether he ever lived in the Cherokee Nation or not, but his family was at Humboldt, Kansas.
Q How far was it from where you lived to this Hogshooter? A 10 or 12 miles, somewhere along there, I don't know the exact distance, it might have been that far and might have been farther.
Q You don't claim to know all the Freedmen in the Cherokee Nation do you? A No, sir, I don't.

Commissioner: This testimony will be made part of the record in the case at bar.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of October, 1901.

Commissioner.

V. D-880.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1898.

In the matter of the application of Perry Adams for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-880.

APPEARANCES:
Mellette & Smith for applicant.
Cherokee Nation by V. W. Hastings.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871, as appears of record in a book taken from the Executive Department of the Cherokee Nation entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," doubtful colored roll Saline District, the case being No. 73, as follows:

"Adam Lynch and family.
Decided against claimant June 9, 1871."

MR. SMITH: The applicant objects to the introduction of the above testimony for the reason that the same is incompetent, immaterial and irrelevant, and does not tend to prove any issue in this case, and because it does not appear that the person mentioned in the entry above quoted in said offer of evidence is in any way identified with the case of the applicant herein or either of them, and because the entry as offered shows upon the face of it that it is all of the record of the Cherokee Nation upon said subject, and that it is insufficient in law to constitute any judgment or decision, and because it does not show that a single prerequisite to the rendition of a valid judgment was present, not even that the defendant was before the court, and does not attempt to recite any fact upon which any court could render any judgment. The applicant further objects to the introduction of the above entry for the reason that a copy taken from the said book mentioned by the counsel for the Cherokee Nation is not the best evidence, the entry itself as it appears upon said book being the best evidence as shown, and the counsel for the said applicant hereby moves that the said Cherokee Nation be required to produce said book containing said entry for the inspection of said Commission.

MR. HASTINGS: The Cherokee Nation most cheerfully agrees if the Commission desires to see it to produce this book.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 24th day of May, 1898.

[illegible]

F. D-888.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

In the matter of the application of Perry Adams et al for enrollment as Cherokee freedmen.

SUPPLEMENTAL TO D-888.

Applicants represented by Mellette & Smith.
Cherokee Nation appears by J. S. Davenport.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, that it would, at the offices of the Commission on the 22nd day of May, 1902, introduce testimony tending to disprove the right of the said Perry Adams et al to enrollment as Cherokee Freedmen. The applicant and his attorneys fail to appear.

PETER HELLINGHAUSEN, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Peter Hellinghausen.
Q Where do you live, Mr. Hellinghausen? A Muskogee.
Q What's your age? A 58.
Q How long have you lived in Muskogee? A Thirteen years.
Q Where did you live before coming to Muskogee? A Humboldt, Kansas.
Q How long did you live in or near Humboldt, Kansas? A Lived about eighteen years.
Q While you was living at Humboldt, Kansas, did you get acquainted with a colored man by the name of Adams? A I knew a Perry Adams.
Q Perry Adams? A Yes, sir.
Q And when did you get acquainted with him after you went to Humboldt, Kansas, Mr. Hellinghausen? A I think it was along about '80.
Q How long did he continue to live in or near Humboldt, Kansas, to the best of your knowledge? A It was '87 or '88, somewhere along there.
Q Do you know whether or not he had a family? A I don't know.
Q Do you know whether or not he worked in the town of Humboldt? A Yes, sir.
Q For whom did he work, Mr. Hellinghausen, if you remember the name? A I think he worked for Henry Gardner, butcher.
Q About how frequently would you see him there, Mr. Hellinghausen, when he was working there? A Saw him very near every day.
Q About what aged man would this Perry Adams be in your judgment now? A Why I should judge the man been 50 or 60 years old.
Q Did you ever have any conversation with him or hear him talk to anybody about his claiming a right in the Cherokee Nation? A No, sir.
Q Did you ever hear that he claimed a right? A No, I never did.
COMMISSION: When did you first learn to know him, Mr. Hellinghausen? A Why it was about '88, possibly a little bit sooner.
Q Never knew him before that time? A No, sir, never did.
Q When did you last see him? A Well I couldn't say exactly the year, but it was along, I left there in '88, and I seen him before I left.
Q Was he still residing at that place then? A I think so.
Q You knew him there somewhere in the eighties? A Yes, sir.
Q Do you know where he came from when he came to Humboldt? A No, si
Q Have you seen him since that time? A No, sir.

MR. DAVENPORT: What business are you in? A I am in the coal and wood, feed and ice business.

J. C. REDFIELD, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A Redfield, J. C. Redfield.
Q Where do you live, Mr. Redfield? A Well, Muskogee is my home now.
Q What's your age? A 30.
Q Where did you live prior to coming to Muskogee, Mr. Redfield?
A Parsons, Kansas.
Q Well, prior to that time? A Humboldt.
Q How long did you live in or near Humboldt, Kansas? A Well let's see, about 21 years.
Q Well while you was living at Humboldt, Kansas, did you become acquainted with a colored man there by the name of Adams? A Yes, sir.
Q Do you know what his first name was? A Perry Adams.
Q Do you know whether or not he had a family, Mr. Redfield? A Yes, sir.
Q For whom did he work, if you know, part of the time you knew him?
A Well I know one man he worked for by the name of Gardner, J. H. Gardner.
Q What kind of business did he have? A Butcher business.
Q Now when did you first remember seeing Perry Adams in Humboldt, Kansas, Mr. Redfield, as near as you can remember the year? A Well it was along in the fore part of the 80's, I know, but I couldn't tell just when.
Q You was then about how old? A Well I was about twelve or fourteen years old.
Q Now then did you see him quite frequently after you learned to know Perry Adams there at Humboldt? A Yes, sir.
Q Well how long since you have seen Perry Adams, Mr. Redfield? A Well it's been nine years anyhow.
Q When did you move away from there, about nine years ago? A About eight years ago.
Q Well do you know whether or not Perry was there about the time you left there? A No, sir, I don't.
Q About how long do you think he had been gone before you left there?
A I haven't the slightest idea; I didn't know that he was gone at all.
Q So far as you knew he was still living there when you left? A So far as I knew, yes, sir.
Q You first learned to know him along in the early eighties as I understand you? A Yes, sir.
Q And you knew him for about how long do you think he remained there?
A I knew him for seven or eight years.
Q He had his family there with him I believe you say? A Yes, sir.
Q Did you ever know his father or any of those? A No, sir, I didn't.
Q You live here, in business here in Muskogee, are you? A Yes, sir.

COMMISSION: You never knew this man before the 80's did you, Mr. Redfield? A I don't think I did, not that I can remember. I know he was there for years.
Q Do you know where he came from when he came to Humboldt? A No, sir, I don't.
Q You don't know where he went to, do you? A No.
Q Do you know where he is residing at this time? A No, sir.

MR. DAVENPORT: When you first learned to know him he was living in Humboldt, as I understand you? A Yes, sir, he was living there.

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[redacted]

Arthur H. Cronniger

Subscribed and sworn to before me this 2nd day of July, 1934.

(Seal)

[illegible] Reuter

Notary Public.

Freed. D-880.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1903.

In the matter of the application of Perry Adams for enrollment as a Cherokeefreedman.

Applicant appears by Mellette & Smith; Cherokee Nation by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, T rustee for the freedmen, vs. the Cherokee Nation, No. 17209, filed in the Mariah Hayden case F. D-498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden , and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases to-wit:

Adams, Perry, D 880; Alberty, Josie, D-870;
Archer, Thomas, D-901; Alberty, Jim, D-287;
Alberty, James Jr. D-328; Adams, Katie, D-330;
Adair, Benjamin, D-451; Archie, Birdie, D-470;
Allen, Sarah, D-543; Allen, Anna, D-556;
Adair, Peter, D-560; Adair, Ames, R-106;
Anderson, Francis, D-627; Alberty, Melvina, D-289;
Alexander, Phillys, D-544; Bell, Alfred, D-863;
Beck, Maryland, D-884; Bell, William, D-905;
Beck, Dallas, D-919; Brown, Charles, D-952;
Brown, Charles Jr., D-954; Brown, John H., D-965;
Buffington, Rose, D-784; Buffington, Bessie, D-785;
Bell, Rector, D-791; John Bell, D-494;
Bratcher, Florence, D-795; Brown, Edward, D-247;
Buffington, Ab, D-374; Brown, Josie, D-449;
Bell, Ellen, D-457; Blackburn, Mary, D-517;
Buffington, Wm.H., D-555 Buffington, John, D-558;
Bean, Ellen, D-595; Banks, Frances, D-698;
Briggins, Hannah, D-715; Bryant, Eliza, D-561;
Butler, Anna, D-979; Brown, Mary D-988;
Blair or Riley, Sam, D-836; Bell, Robert, D-1033;
Blackwell, Katie, D-327; Bryant, George, D-338;
Buckner, Sarah E., D-499; Buffington, William H. Jr., D-557;
Bushyhead, Howard, D-986; Bean, Mary, D-299;
Bean, Lucy, D-290; Coker, Bunk, D-802;
Carter, John, D-896; Claggett, Nancy, D-813;
Cross, Jennie, D-48; Curls, Julius, D-869;
Curls, Riley, D-870; Claggett, Alexander, D-303;
Chambers, Celia, D-446; Colbert, James, D-520;
Curry, Joseph, D-531; Curry, Harrison D-533;
Crump, Sallie, D-575; Curlee, Maggie, D-580;
Carter, Lydia, D-716; Chambers, Caroline, D-938;
Cannon, Eliza, D-612; Claggett, Jane, D-303;
Daniels, Ibbie, D-859; Daniels, Andy, D-861;
Duncan, Elizabeth D-871; Daniels, Lucinda, D-913;
Davis, Katie, D-883; Daniels, Louis, D-962;
Daniels, Charles D-963; Daniels, Ransom, D-812;
Daniels, Burrell, R- 40; Davis, Jackson, D-453;
Davis, John D., D-455; Davis, Wm., D-456;
Duffin, Joshua, D-508; Daniels, Harriett, D-437;
Duncan, Millie, D-922; Duffin, Geo. B., D-508;
French, Benj., D-935; Ford, Rosin, R- 49;
Frye, Mary, D-274; Freeman, John, D-458;
Freeman, Geo., D-459; Freeman, Osa, D-460;
Fox, Sam, D-508; Francis, Peggy, D-439;
French, Mariah, D-1019; Frazier, James, D-1011;
Fields, Jackson, D-771; Foreman, Ned, D-1023;
Gibson, Carrie, D-794; Gibson, Lewis, D-774;
Gains, Eliza, D-220; Groves, Eliza, D-228;

3- Perry Adams:

Gentry, Eddie G.,	D-278;	Gunter, Rachel,	D-465;
Gunter, Lewis,	D-469;	Gunter, Mitchell,	D-472;
Gray, Louisa,	D-599;	Gaskins, Amanda,	D-994;
Hill, Martha,	D-1018;	Hayes, Phillis,	D-902;
Hill, Mary,	D-917;	Henderson, Russ,	D-929;
Henderson, Bert,	D-943;	Hill, Will H.,	D-937;
Hill, Hayes,	D-939;	Hill, James,	D-942;
Haynes, Lizzie,	D-941;	Humphreys, Sallie,	D-958;
Harper, Jordan,	D-721;	Harris, Carrie,	D-231;
Humes, Ella,	D-232;	Hardrick, Moses,	D-314;
Hicks, Dennis,	D-355;	Hicks, Joseph,	D-360;
Hicks, Katie	D-361;	Hawkins, Eliza,	D-358;
Harris, Mary,	D-528;	Hopkins, Alfred P.,	D-550;
Hickey, Peggy,	D-598;	Holt, Joshua,	D-644;
Holt, Esther,	D-645;	Holt, Tecumseh,	D-653;
Huddleston, Ella,	D-572;	Hudson, Peter,	D-604;
Hudson, Wm.,	D-605;	Henry, Charlotte,	D-968;
Hicks, Jesse,	D-1007;	Hicks, Matilda,	D-1017;
Hayden, H. C.	D-498;	Hill, Amanda,	D-625;
Hazelrig, Mary,	D-987;	Hicks, Jas. A.,	D-362;
Hayes, Josiah,	D-976;	Hill, Thaddeus,	D-985
		" Amanda	
Irvin, Sam,	D-798,	Jones, Georgie,	D-225;
Johnson, Malinda,	D-227;	Johnson, Delilah,	D-267;
Johnson, Lottie,	D-268;	Jones, Rachel.	D-464;
Jones, Sophia,	D-424;	Johnson, Francis,	D-676;
Johnson, Susie,	D-546;	Jones, Lula,	D-568;
Johnson, Ann,	D-461;	Johnson, Mandy	D-527;
Johnson, Dora,	D-529;	Johnson, Rosa,	D-530;
Johnson, Mariah,	D-493;	Johnson, Frank,	D-875;
Kirk, Emery,	D-782;	Keys, Eliza,	D-507;
Kernal, Jane,	D-856;	Lasley, John,	D-849;
Love, Frank,	D-879;	Leak, Elizabeth,	D-1043;
Lyons, Ned,	D-251;	Lyons, Eliza,	D-253;
Landrum, Rachel,	D-252;	Lynch, Daniel,	D-316;
Love, Wm.,	D-479;	Lynch, Geneva,	D-521;
Lynch, Lottie;	D-583;	Landrum, Polly,	D-248;
Landrum, Jim,	D-664;	Looney, Eliza,	D-537;
Looney, Allen,	D-551;	Little, Aggie,	D-566;
Looney, Jake,	D-573;	Looney, Jane,	D-597;
Martin, David,	D-486;	Martin, Sam,	D-687;
Martin, Vinnie,		Moore, Winnie,	
Martin, William,	D-940;	Martin, Neatie,	D-213;
Morgan, John,	D-755;	Mayberry, Mary,	D-322;
Martin, Lewis,	D-289;	Martin, Payton,	D-304;
Martin, William,	D-315;	Martin, James,	D-344;
Manly, Maud,	D-353;	Mayhew, Abbie,	D-447;
Moss, Sarah,	D-506;	Moss, Geo. N.,	D-510;
Martin, Ostella,	D-533;	Martin, Cornelia,	D-534;
Murrell, Nelson,	D-584;	Miller, Sallie,	D-648;
Martin, John	D-656;	Martin, Fred,	D-657;
Martin, Allie,	D-658;	McIntosh, Malissa,	D-661;
Martin, Otto,	D-692,	Martin, Charles,	D-714;
Mayfield, Dolly,	D-462;	Martin, Cy,	D-467;
McKinney, Lucinda,	D-483;	Melton, Elizabeth	D-441;
Miller, Mary E.,	D-967;	Merrell, Mattie,	D-970;
Mayes, David,	D-981;	Mayes, Josiah,	D-976;
McNair, Mattie,	D-629;	Mayfield, Thomas,	D-200;
McCoy, Sinah,	D-302;	Nave, Carrie,	D-945;

Nave, Wash, D-815;
Nave, Geo. F., D-823;
Nash, Julia, D-224,
Nash, Berry, D-229;
Nelen, Emily, D-511;
Niwina, Santa Ann, D-602;
Powell, Nettie, D-478;
Riley, Moses, D-858;
Roe, Ed, D-696;
Rider, George, D-915;
Rogers, Sam, D-926;
Rose, Wm., D-804;
Riley, Andrew, D-260;
Riley, Frank, D-262;
Riley, Mary Ann, D-957;
Rowe, Joe, D-1019;
Ross, Nancy, D-631;
Rowe, Louis, D-622;
Riley, Sam, D-836;
Rowe, Abbie, D-452;
Ross, Jake, D-539;
Ross, Moses, D-541;
Riley, Ruth, D-579;
Riley, Jane, D-600;
Rowe, Permelia, D-681;
Ray, Arre, D-683;
Rowe, Jeff, D-690;
Ross, Joe, D-542;
Riley, Hannah, D-569;
Rowe, Joe, D-1016;
Ross, George, D-1009;
Ridge, Katie, D-295;
Robinson, James N., D-695;
Robinson, Sarah, D-476;
Rogers, Jennie Dave, D-830;
Rogers, Sam, D-926;
Riley, Fred, D-709;
Starr, Willis, D-865;
Shaffer, Lizzie, D-916;
Shields, Frank, D-719;
Starr, Geo., D-813;
Stroud, Maggie, D-468;
Smith, Pearl, D-515;
Skaggs, Wm. and Rose, D-545;
Smith, Jackson, D-576;
Still, Della, D-250;
Sanders, John, D-973;
Starr, Charles, D-548;
Sheppard, Nancy, D 10;
Thompson, Geo. D-858;
Thornton, Rhoda, D-966;
Towers, John, D-734;
Thompson, Berry, D-823;
Thompson, Phillia, D-271;
Thornton, Nattie, D-742;
Thornton, Eliza, D-[illegible];
Tuft, Pauline, D-[illegible];
Tucker, Geo., (Sam Blair) D-1013;
Thompson, Geo., D-1[illegible];
Thompson, Polly, D- 10;
Towers, Richard, D- [illegible];
Vann, Charles, D- [illegible];
Vann, Josh, D-[illegible];

Nave, Dave, D-831;
Nave, Ruben, D-832;
Nash, John H., D-226;
Nash, Edward, D-230;
Nicholson, Fanny, D-984;
Purtle, Emma, D-265;
Powell, Emma, D-475;
Roe, Bazila, D-748;
Ross, Jefferson, D-872;
Rider, Henry, D-918;
Riley or Watie, Mary E., D-957;
Ratcliff, Ellis, D-730;
Riley, Jessie, D-261;
Riley, Jerry, D-263;
Reeves, Winnie, D 6;
Ross, Nelson, D-632;
Rowe, Eddie, D-750;
Riley, Mary, D-624;
Rowe, Grant, D-621;
Rose, Charles, D-518;
Ross, George D-540;
Reeves, Georgiana, D-559;
Ridge, Cornelius, D-586;
Robinson, Wm. H., D-674;
Rowe, Jesse, D-688;
Reese, Savannah, D-685;
Robinson, Tobe, D-686;
Ross, Chaney, D-547;
Rider, Andy, D-500;
Ross, Ned, D-567;
Ross, Kizzie, D-1020;
Ratcliff, Eliza, D-723;
Ross, John J., D-474;
Robinson, James W., D-695;
Riley, Ed., D-696;
Riley, Richard, D-708;
Ross, Dave, D-515;
Starr, Geo. Jr., D-887;
Smith, Sonny, D-927;
Shields, Amy, D-720;
Scott, Fannie, D-266;
Smith, Chas. & Jane, D-514,
Smith, Matilda, D-516;
Smith, Nancy D-574;
Slaughter, Josie A., D-677;
Sanders, Amanda, D-567;
Starr, Jack, D-443;
Smith, Joe, D-626;
Starr, Hannah, D-346;
Tinnin, Elizabeth, D-832;
Thornton, Katie, D-578;
Towers, Wilson, D-468;
Thomas, Hibert T., D-249;
Trew, Charity, D-[illegible];
Thornton, Joseph, D-[illegible];
Thompson, Sandy, D-[illegible];
Thompson, Daniel, D-[illegible];
Thompson, John, D-10[illegible];
Thompson, Mary, D-[illegible];
Thomas, Etta, D-249;
Vinton, Joseph, D-[illegible];
Vann, Ed. D-[illegible];
Vann, Bennie, D-641;

Whitemire, Jess,	D-869;	Ward, Sallie,	D-835;
Williams, Emma,	D-893;	Watie, or Tinnon, Elijah,	D-921;
Webber, William,	D-928;	Willis, Maggie,	D-936;
Whitmire, Frank,	D-956;	White, Addie,	D-722;
Winfield, Leah,	D-765;	Whitmire, Sam,	D-593;
Whitmire, Sarah,	D-606;	Walker, Lucy,	D-820;
Wilson, Oliver,	D- 40;	Wilson, Jacob,	D- 41;
Webb, Jane,	D-221;	Waton, Howard T.,	D-347;
Whitmire, Sallie,	D-454;	Williams, Mary,	D-463;
Whitmire, Sam,	D-593;	Whitmire, Sim,	D-592;
Walker, Emily,	D-710;	Walker, Emma,	D-712;
Webber, Becky,	D-435;	Weber, Lewis,	D-554;
Ward, Catherine,	D-562;	Wagoner, Cora,	D-570;
Webber, Malinda,	D-609;	Ward, Abraham,	D-607;
Ward, Alonzo,	D-608;	Ward, Wm.,	D-610;
Ward, Berry,	D-611;	Ward, Peter,	D-613;
Ward, Squire,	D-615;	Ward, Geo.,	D-425;
Ward, David,	D-619;	Williams. Malinda,	D-618;
Webber, Robert,	D-630;	Ward, Emanuel,	D-471;
Williams, Charley,	D-473;	Washington, Retta,	D-440;
Wilson, Mary,	D-684;	Ward, Nancy,	D-425;
Watson, Mary Ann,	D-347;	Wolf, Gracie	D-829;
Watie, Andrew,	D-803,	Webber, Rebecca,	D-853;
Young, Ida,	D-711.		

By W. W. Hastings: Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant, and immaterial and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission: The motion for the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr Smith: The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to in the case of Moses Whitmire, trustee, vs. Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings: The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1908, and that this being the 31st day of May, 1908, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case

S-Perry Adams-

Proposed unless there is some special and particular reason shown either by the Interest Bulletin on the one side or the applicant on the other why an extension of time is necessary or desired. The Commission, the law provides that the roll of Choctaw freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and in the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

[signature]

Subscribed and sworn to before me this 14th day of June, 1906.

[signature]
Notary Public.

[illegible] D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of [illegible] for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17206 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Lucy Walker, D 880;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commissioner:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record in this case in all the cases above named upon the completion of those cases within the provisions of the new law instruction recently rendered by Judge Gill of the [illegible] Court of the Northern District, Indian Territory.

Mr. Smith:

The applicant [illegible] that [illegible] cases including the [illegible] case, the [illegible] case be allowed within thirty days to file any of the [illegible] or all of the record cases than the decree already [illegible] be

[illegible]

In the case of Moses Whitmire, Trustee, vs Cherokee Nation, on file in the Court of Claims be the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony than they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) R. G. Reuter,
(SEAL) Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1903.

R. G. Reuter
Notary Public.

[illegible] Page

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1908.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by [illegible], Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Maggie Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case, # D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mariah Hayden, D 496;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of such decree in the case of an applicant unless the same is called and filed in each individual case.

Stipulation.

The motion of the attorney for the applicant will be overruled and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that at the time above named in including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any or the proof of any or all of the record in the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) T. G. Rothenberger.

Subscribed and sworn to before me this 11th day of June, 1902.

(Signed) P. C. Hunter,
(SEAL) Notary Public.

I, B. C. Maxwell, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause on file with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 22, 1902.

Notary Public.

Page D 330

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Joseph Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17203 filed in the Mariah Harden case, D 198, a part of the record in this case, and the cases hereinafter mentioned by reference to the said case of the said Mariah Harden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove the issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in such individual case.

Commission:

The motion of the attorney for the applicant will be sustained and the decree of the Court of Claims filed in the case of Mariah Harden will be made a part of the record by reference in all the cases above named, with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court in the Northern District, ending March [illegible]

Mr. Smith:

The applicant [illegible] the above named cases including the Mariah Harden case, [illegible] twenty days [illegible] for the applicants to be allowed within thirty days [illegible] proof of all of the record other than [illegible] reference to

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Supreme Court, U.S.

In the case of Moses Whitaire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings,

The Cherokee Nation most certainly strenuously objects to the allowance of this application or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to [illegible] and that notice was given that [illegible] Commission and that notice be closed [illegible] March last, that the cases would [illegible] concerned by the special permission of the [illegible] representing these applicants, on the 31st day of [illegible] and that this being the 31st day of May, 1909, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1909.

(SEAL) (Signed) F. G. Hunter,
Notary Public.

I, E. G. [illegible], stenographer to the Commission to the Five Civilized [illegible] on oath state that the above and foregoing is a true and [illegible] of the stenographic testimony in the above entitled cause [illegible] the Commission, which copy was made by me.

E. G. Rothenberger.

Subscribed and sworn to before me this [illegible] 1909.

[illegible]

Page 1 [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June [illegible], 1906.

In the matter of the application of [illegible] for enrollment as a Cherokee freedman.

Applicant appears by [illegible] Cherokee Nation, by [illegible].

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of [illegible] Whitmire, Trustee for the Freedmen, vs. the Cherokee Nation, No. 11209, filed in the Mariah Hayden case, No. 486, a part of the record in this case and the same be adopted, incorporated by reference and made a part of the record in the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the [illegible] case, so-ordered.

[illegible]

[illegible]

Mr. F. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First, it does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, nor that he was a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second, because the same is incompetent, irrelevant and immaterial. Third, because the Commission will also judicially know the right of any person to be enrolled, and the determination of the Commission is binding upon the Court of Claims. The Cherokee Nation further moves to have a copy of this decree in the case of [illegible] vs. the Cherokee Nation called and filed in each individual case, unless the same be adopted.

The question of the propriety of the application will be [illegible] upon the testimony taken in the case [illegible] Hayden will be made a part of the record in this case [illegible] Commission in the [illegible] Nation, [illegible] County, [illegible] Territory.

Mr. Smith:

[illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. G. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERRY ADAIR for enrollment as a Cherokee Freedman.

Appearances: Mr. Charles A. Smith, Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree in the Court of Claims in the case of Moses Whitmire, trustee for the Freedmen, vs. the Cherokee Nation, No. 17293 filed in the Mariah Hayden case F 2198, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and it is deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a citizen of such a person. Second: Because the claim is incompetent, immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the case is called and filed in such individual case.

Conclusion.

The decision of the attorney for the applicant will be entered upon and the decree of the Court of Claims filed in the case of Mariah Hayden and the decree in the case of the [illegible] by [illegible] within the jurisdiction of the Commission, [illegible] Court of the Northern District [illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment with of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
(SEAL) Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Trans. D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman;

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17209 filed in the Mariah Hayden case T D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Geo. Thompson, D 888;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception [illegible] which the provisions of the temporary [illegible] by [illegible] of the United States Court, [illegible] Indian [illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 30, 1902.

P G Reuter
Notary Public.

Transcr D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ALAMS for enrollment as a Cherokee Freedman.

Applicant appears by Kelleher & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Marion Hayden case D D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Marion Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Melvina Liberty, [illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of said decree in the case of the applicant unless the same is called and [illegible] in that individual case.

[illegible]

[illegible] the applicant will be entitled [illegible] filed in the case [illegible]

[illegible]

cases [illegible]
cases [illegible]
Brought [illegible] the [illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year [illegible] to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
(SEAL) Notary Public.

I, E. C. Rogwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me [illegible]

Cherokee Freedmen D-880.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Perry Adams, et. al., for enrollment as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on June 26, 1901, Perry Adams appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself, his wife, Sadie Adams, and his minor children Blanche and George Adams, as Cherokee freedmen; the said Sadie Adams claims only by intermarriage and her rights are not passed upon in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on May 1, 19, 23 and 31, 1902.

The evidence shows that Perry Adams was the slave of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion he was taken out of the Cherokee Nation and that he returned thereto with his mother, Polly Landrum. The Commission has heretofore found in the case of Polly Landrum, Cherokee freedmen D-248, that she did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et. al., for the return of freedmen to said Nation. Therefore, the applicant Perry Adams, did not return to the Cherokee Nation within the time specified in said decree of the Court of Claims, supra. The decision of the Commission rejecting the application of Polly Landrum was approved by the Secretary of the Interior on June 2, 1904.

The evidence further shows that Blanche and George Adams are the minor children of Perry Adams, and possess only such rights to enrollment as they acquire through him. The names of none of the applicants herein are identified upon the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Perry Adams, Blanche Adams and George Adams as Cherokee Freedmen should be denied under the

provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 23 1904

Emma R

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Josie Alberty et al., as Cherokee Freedmen, consolidating the applications of :

Josie Alberty, et al.,	Cherokee Freedmen D-[illegible]70,
George Rider,	Cherokee Freedmen D-91[illegible],
Henry Rider, et al.,	Cherokee Freedmen D-[illegible].

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Josie Alberty for herself and her minor child, Easter Alberty; by George Rider for himself; and by Henry Rider for himself and his minor children, Carlos, Flora B. and Luellen Rider.

The evidence shows that the applicants, Josie Alberty, George Rider and Henry Rider, are the children of Henry and Rhinebeth Rider, who were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion the applicants, Josie Alberty, George Rider and Henry Rider, were taken to the State of Kansas, and did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation. The applicant, Easter Alberty, is the minor daughter of Josie Alberty and possesses no rights to enrollment except through her said mother. The applicants, Carlos, Flora B. and Luellen Rider are the minor children of Henry Rider, and claim the right to enrollment through their said father, their mother, Martha Rider, possessing no rights as a Cherokee Freedman.

Neither of the applicants herein is identified on the 1880 authenticated Cherokee Tribal roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Jessie Alberty, Hester Alberty, George Rider, Henry Rider, Charles Rider, Flora F. Rider and Lucillen Rider, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
This JAN 10 1905

DEPARTMENT OF THE INTERIOR

To the Honorable, the Secretary of the Interior

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Perry Adams,
Blanche Adams,
George Adams.

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGowan & Serven, and move the Honorable Secretary of the Interior to open their respective cases above named; to review the decisions of the Commission to the Five Civilized Tribes denying said applications; to reverse said decisions, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show:

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not abjured or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.
5. The evidence further shows that Perry Adams, the principal applicant herein, was taken out of the Cherokee nation during the WAR, but returned thereto within a reasonable time after the promulgation of the TREATY, never having abandoned his Cherokee domicile.

WHEREFORE, Said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

Blue & Bulger
McGowan & Serven
Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

Do Leonard Martin
in
I know Perry Adams—
He lived at Humbolt Ks
I knew he lived at Humbolt
& married in Kansas. wife
was a state negro—

He first returned to the Choctaw
Nation about 1889 when the
Wallace Roll was made.
He lived at Humbolt some
years prior to his first return
to the nation 1889— He did
not bring his family in 1889
Before he moved to Humbolt
he lived in Mapleton Kansas

Lin Rogers in
to 880 Perry Adams.
I know Perry Adams
he came into the country
and settled as a renter
about three years ago -
He lives about 8 miles from
me - He rented a farm
adjoining mine - I have lived
at my present place about
18 years - I never saw or heard
of him until about 3
years ago -
He rented Silas Alberty's place

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen

D-880.

Muskogee, Indian Territory, July 28, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Perry Adams for the enrollment of himself and his two minor children, Blanche and George Adams, as Cherokee Freedmen.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Commissioner in Charge.

Encl. S-168.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Grant

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D 880

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Perry Adams and his minor children, Blanche and George Adams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 31, 1904.

Respectfully,

Chairman.

Hastings says that Lynch
swore for him before
Kenosha Circuit Ct &
denied it - Notice discrepan-
cy in his statement -

Perry Adams son of
Rector Landrum and Polly
Adams, (see 2nd page of
Evidence

Cher Fr D 881

Cher Fr D 881

To be filed with the case of Bessie Phillips, C. F. D. 881.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June, 25th 1901.

In the matter of the application of Martha Phillips for the enrollment of herself and five children as Cherokee freedmen; she beingsworn by Commissioner T. B. Needles, testified as follows:

A. S. McRea (Colored) attorney for the applicant-
W. W. Hastings, attorney for the Cherokee Nation.
(By Com'r Needles)
Q What is your name? A. Martha Phillips.
Q What is your age? A. I am near 50
Q What is your post office address? A. Chouteau
Q In what district do you live? A Saline
Q Do you apply for enrollment as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A Five children
Q What are their names? A. Charles Walker, he is in the pen and cant apply for himself.
Q How old is he? A. 28 year old.
Q What is the next one? A. Charles Phillips.
Q How old? A. 17 years.
Q Next? A. Alice Phillips.
Q How old? A. 13 years.
Q Next? A. William Phillips.
Q How old? A. 13 years old.
Q Next? A. Benjamin Phillips.
Q How old? A. 11 years old.
Q This one that is in the penitentiary, where is he? A. In Ohio.
Q How how long? A. 13 years.
Q Is he married? A. Yes sir.
Q Has he any children? A Yes sir.
Q How many? A. Four.
Q Is his name on the roll of 1880? A. No sir.
(By A. S. McRea)
Q Where were you born? A. At Webbers falls.
Q In the Cherokee Nation? A. Yes sir.
Q Were you a slave beforethe war? A. Yes sir.
Q Who did you belong to? A. William Thompson.
Q Was he a Cherokee citizen? A. Yes sir
Q Didyou go out of the Cherokee Nation during the war? A. Yes sir.
Q Wherete? A. Fort Scott, Kansas.
Q When did you return? A. In 1866.
Q Where to? A. Big creek.
Q Are you living there now? A No sir.
Q How long did you live there? A. Not very long, I cant tell exactly how long, just a few weeks though.
Q Where did you come then? A To Fort Gibson.
Q That was in '66? A Yes sir.
Q What time of the year? A. Long in the winter, maybe after Christmas
Q How long did you live at Fort Gibson? A Several years, I dnt know exactly how many.
Q Where did you go then? A. Went from there to Coweseesewee district to Fryers creek.
Q How long did you live there? A. Several years, 8 or 9 years, maybe more, I can tell exactly.
Q Where did you move then?A To Saline district.
Q That where you are living now? A. Yes sir.
Q These children that you have named,were they all born in the Cherokee Nation? A. Yes sir.
Q Have you lived in the Cherokee Nation continuously ever since '66? A. Yes sir.
Q Never claimed anywhere else as you home but the Cherokee Nation? No sir.
Q Have you registered any property on the public records of the Cherokee Nation? A. Yes sir.
Q Where you live now? A. Yes sir.

(By Mr. Hastings)
Q What was your mother's name? A. Emily Thompson.
Q What is her present name? A. She did go by the name of Vann.
Q She is your mother? A Yes sir.
Q You say you lived at Webbers Falls before the war? A. Yes sir
Q And that your owners name was William Thompson? A Yes sir.
Q Did he have a wife? A. Yes sir.
Q What was her name? A. Kate.
Q Who were the members of their family? A Sallie ~~Thompson~~ Jennings and George.
Q Did they live right in town? A. No sir lived right on the Military road that come from Texas
Q Howold are you? A. 50 or over.
Q Who did you go out of the Cherokee Nation with during the war? A. With the refugees.
Q Did your mother belong to the same people that you did? A Yes sir.
Q Did she go out with you? A. Yes sir.
Q Where did you leave your mother when you came back? A In Kansas
Q How did you become separated from your mother? A She couldn't come and I come with some acquaintances.
Q You were not yet grown were you? A No sir.
Q Your mother married up there didn't she? A No sir she had a man here.
Q What town did she live up there? A. Fort Scott.
Q She didn't come back and you just quit her and comeyourself? A. Yes sir I wanted to come and so I did.
Q You didn't have any witnesses before the Kern Clifton Court did you?
~~A I had some witnesses but you didn't call them.~~
Q You just testified yourself? A. You didn't call none of my witnesses.
Q Who did you come back with? A With Caesar Smith.
Q What point did you return to? A. Big creek.
Q Who came with you and Caesar Smith? A. His family.
Q Well who? A Hannah, that was Caesar's mother, and Dicey, Rose, Jose Sallie and Henderson.
Q They all came with you? A. Yes sir.
Q Whose place did you first come to? A Caesar Smith had a little cabin there.
Q Had he been down here before that? A. Yes he had.
Q Did he have a crop there then? A. No sir.
Q Who were someof his neighbors? A I didn't get acquainted with them, Sam Webber was there.
Q How far did he live from there? A. I had no recollection of time then.
Q Dont you know how far he lived from you? A No sir.
Q How long did youstay there? A. 3 or 4 weeks, maybe not that long.
Q What time of the year did you get there? A. In the fall, late in the fall.
Q Before or after Christmas? A. Before Christmas.
Q Then you went to Fort Gibson? A. Yes sir.
Q Who took you to Fort Gibson? A. Charles Brown.
Q Is he alive? A. Yes sir.
Q Who did you go to see there? A. Steve Smith, my uncle.
Q How far from town did he live? A. On the Bayou.
Q What direction from town? A. I dont know.
Q Is he living yet? A. No sir.
Q How long did you continue to live with your uncle? A I lived ~~there~~ there a few years.
Q How many? A. I dont know, I cant be positive.
Q Did you get acquainted with Nan French then? A. Yes sir.
Q Were you married down there? A. I just taken up with a man there.
Q Who? A. Will Walker.
Q How long after you came there? A. I dnt know.
Q Well about how long after? A. I dont know.
Q Cant you give your best judgment? A I dont know.
Q What is your best judgment about it? A. It may have been a year and it may have been longer and it might not have been so long, I cant remember exactly how long it was before I taken up with his man after I got there.
Q Where did you and this man live together? A We just lived around, he

wasn't much good.
Q Did you have any children by him? A. Charles and Bessie.
Q How much older than Charles is Bessie? A One is 28 and the other is 22.
Q Where was Charles born? A. Fort Gibson.
Q Where did you go from there? A. I worked out and then moved to Goowesooo-wee district on Pryor creek.
Q What place there? A. Brushey Creek.
Q Near what town? A. Chouteau.
Q You came from Fort Gibson to up near Chouteau? A. Yes sir.
Q Do you live there now? A. No sir.
Q How long did you stay there? A. I dont know.
Q Who did you stay with? A. My husband.
Q This man Walker? A. No sir.
Q How did you dispose of Walker in the mean time? A Done died off.
Q Who was your second husband? A Phillips.
Q Where did you marry first? A. At Fort Gibson, and re-married him on Brushey under the United States law
Q Had you married a second time before you left Fort Gibson? A Yes sir
Q You had been there 3 or 4 years before you left? A Yes sir to the best of my knowledge.
Q Did you come with Phillips direct to Brushey? A. Yes sir.
Q How long did you stay there? A. We made a place and one crop and sold it to Emmett Vann and then moved on Pryor creek.
Q How far from the town of Pryor creek? A I cant say exactly.
Q How long did you live there? A. 6 or 8 years.
Q Where did you go then? A. To Saline district.
Q Are you living there now? A. Yes sir.
Q Where is it you live now? A. Near the West Salt Lick.
Q When did you go back to Kansas again? A. After my first child was weaned.
Q Where was Bessie born? A. In the Territory , on Green leaf.
Q Below Fort Gibson? A. I guess so.
Q Where was Carl born? A. His right name is Charles,we just call him Carl
Q The next younger one is Bessie? A. Yes sir.
Q Where was Alice born? Al Fort Gibson
Q Where was Ben born? A. In Goowesooowee district.
Q How long have you been in Saline district? Al Going on 11 years.
Q Did you know Cassar Smith in Kansas? C. Yes sir.
Q Did you know him before that?A. Yes sir.
(By McRea)
Q Is your name on any of the rolls? A. Yes sir Kerns and Wallace rolls

Applicant not found on the 1880 or 1896 rolls.

Kern Clifton roll examined and the applicant found as follows
Page 168 No 4135 Martha Phillips, Saline District.
Page 168 No 4137 Charles Phillips "
Page 168 No 4138 Alice Phillips, "
Page 168 No 4139 Will Phillips "
Page 168 No 4140 Ben Phillips "

By the Commission-
Q Are these children all living now? A. Yes sir.
Q Were they all born in the Cherokee Nation? A. Yes sir.
Q What is your husbands name? A. Charles Phillips.
Q Is he living? A. Yes sir.
Q Is he a citizen? A. No sir.
Q Is he your first husband? A. Yes sir I just married up with another man there.
Q You married Phillips under a United States license? A. Yes sir.

EXAMINED BY STENOGRAPHER N.S.GREEN.

Hon. Van Zoico, being duly sworn, testified that he is a citizen by blood of the Cherokee Nation, and is the father of Charles Phillips, who is married to the applicant herein; that he was married to said applicant in the Cherokee Nation

ceedings in the above cause at that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 9th of July, 1901.

(signed) E. B. Needles.

Commissioner.

++

Continued—Former portion taken by steno. Charles von Weise.

Department of the Interior
Commission to the Five Civilized Tribes,
Nowata, I. T. June 25,1901

In the matter of the application of Martha Phillips for enrollment of herself and 5 children as Cherokee freedmen; POLLY NIVENS, being sworn by Com'r Needles, testified as follows:

Appearances:
Mr. A.S.McRea, for the applicant.
Mr. W. W. Hastings, for theCherokee Nation.

(By Mr. McRea)
Q What is your name? A. Polly Nivens.
Q Age? A. 56.
Q Post office address? A. Ft. Gibson.
Q Does your name appear upon the authenticated roll of 1880? A Yes sir.
Q Are you acquainted with the applicant here, Mrs. Martha Phillips? A Yes sir.
Q How long have you known her? A. All her life.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A. Will Thompson.Old man Jackson first, and he died, and she went to his son, Will Thompson
Q Was he a Cherokee citizen? A. Yes sir.
Q Did she go out of the Cherokee nation during to war of the Rebellion between the north and the south? A Yes sir, I guess she did.
Q When didyou first see her after the war? A. I saw her right after the war awhile when the small pox was raging so, and then after that when the cholera commenced. She was down there at her best home.
Q What place? A. Below Ft. Gibson there on the edge of the town.
Q She any relation to you? A. She is my sister, one father.
Q Has she livedin the Cherokee Nation continuously ever since you first saw her at this time which you mention? A Often and on, she lived there awhile, I dont know where she went to when she left there;when they ordered us out of Gibson, she went one way and I went the other.
Q You jow where she lives now? A. I know the name of the place,but I have never been to her house to see her.
Q You say her here in '66? A. I didn't say that.
Q Well, immediately after the war? A. Yes sir, oh yes sir, I saw her there.
Q How long after the time of which you speak immediately after the war was it before you saw her again? A I dont remember exactly how long, it wasn't long time,I saw her right after the war when she came back to I want to see her if she knew,and I was working in town and I went to see her,she stayed there a long time.
Q You say when the soldiers came and you did not go because [illegible] way and you stayed? A Yes sir.

Q How long after that was it before you saw her again? A. It was about a year after that I saw her again.
Q In t in the Cherokee Nation? A. Yes sir. Out there on the Baron, close to where I live now.
Q Then how long was it before you saw her again? A About 5 or 6 months, she come and staid with me long time, she wasn't married then.
Q Have you seen her often and on ever since then up until the present time? A. Yes sir, until she married and moved up here; she moved from my house up here, but I never was to her house.
(By Com'r Needles)
Q You dont recollect what year it was you know her after the war? A. No sir, right after the breaking out of the cholera.
Q The cholera was in '67? A I dont know what time.
(By Mr. Hastings)
Q You cant remember the years can you? A. No sir.
Q You wont be positive about that? A. I am positive it was just after peace was made was made, she come and got sick at her uncle's and I went to see her.
Q Where did she marry the first time, in Kansas? A. No sir.
Q Was she married when she came down there? A. She had a man, I dont know whether she married him or not.
Q What was his name? A. Walker.
Q He came with her? A. Yes sir.
Q He was a state man? A. No sir he was living at the Falls
Q Before the war? A. Yes sir, he was a Cherokee Cherey.
Q Did they have a child when they came there? Her and Walker? A Yes sir a boy and a girl, she staid there in the bottom until she had one.
Q They had the boy when they came along? A. No sir, she she had the boy in the bottom at her uncles when I went to see her.
Q That was when you went to see her when she was sick when the boy was born? A. Yes sir.
Q That was just after she come down there? A. Yes sir, that was just after she come down there, before the cholera broke out.
Q What was that boy's name? A. Charley Walker.
Q You remember who she and her husband come down there with directly after the war? A No sir, I just went there to see her, she sent after me and I went there and staid all night, I was working in town.
Q About how far were they from Ft. Gibson when you went to see her? A. About a mile, I guess; right in the edge of the bottom.
Q What was her husband's name at that time? A. Billy Walker.
Q Was that the father of Varley? A. Yes sir.
Q And she was sick at that time? A. Yes sir.
Q That was when Charley was born? A. Yes sir.
Q And that's the first time you saw her after the war? A. Yes sir, that's the first time I went to see her after the war; she just had got back, I dont know how long she had been there, but I went to see her then, I am telling you, you mean—
Q Where did she and her husband live, do you recollect? A. Lived there at Steve Smith's, and he was so trifling she went out and worked around
Q What became of Billy Walker? A. I dont know, he went off from there after she quit him.
Q How long did she remain in the vicinity of Ft. Gibson? A About two or three years or four months, around in the neighborhood there, I could hear of her around and see her every once in a while.
Q Where did they go from there? A. I dont know where she went when she left Gibson, she come up this way.
Q Didn't you hear of her going back to Kansas? A. No sir, I didn't hear of that.
Q You know where she and Phillips, her present husband, were married? A I dont know exactly, she married at my house, didn't you marry him at my house (to applicant), there was a preacher came along and married them at my house at one time.
Q Married her to who? A. Phillips.
Q What was his first name? A. I dont know, he was a black raised man.
Q What preacher married them? A. Just a travelling preacher.
Q What was his name? A. I dont know, I have forgotten his name.
Q You know her husband? A. Yes sir, I have known him ever since I have been here, I have seen them together

Q How long had you known them before they were married? A Not very long
Q About that time was it they married? A Just a while before she left there he came and married them; she staid there until she had two children, after Charley was born she had a girl, Bessie.
Q You dont know where the rest of them were born? A. No sir,
Q But Charley and Bessie were born there at Ft. Gibson? A Yes sir' and the others were born here in the country somewhere, but I dont know where.
Q Did she keep house with her husband there at Ft. Gibson? A Yes sir, right there close to me in one of my houses.
Q You never could get her husband's first name? A. No sir, just called him Mr. Phillips.
Q What did Phillips do, do you know? A. I never paid much attention but he done one thing and another.
Q What part of the town was that? A Right there near me.
QHow long did they stay there? A About two or three years after I married, as near as I can recollect.
(By Com'r Needles)
Q You have heard of the year '66? A Yes sir, I have heard so much about it I am bound to recollect it.
Q You have testified of people being here too in '66? A Yes sir.

SAM WEBBER, being sworn by Com'r Needles, testified as follows:

(By Mr. McRae)
Q What is your name? A. Sam Webber.
Q Your age? A. About 58.
Q Post office? A. Nowata.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q Your name on the authenticated roll of 1880? A. Yes sir.
Q Are you acquainted with the applicant here, Mrs. Martha Phillips? A Yes sir.
Q How long have you known her? A. I got acquainted with her at Ft. Gatt time of the war.
Q What year was that? A. Time of the war.
Q When was the first time you saw her in the Cherokee Nation after the war? A. Along in the fall of '66.
Q At what place in the Cherokee Nation? A. Big Creek.
Q Have you seen her continuously since that time in the Cherokee Nation? A No sir, not since that time, not continuously since.
QHow long after the fall of '66 did you see her before you saw her again? A. I dont remember exactly.
Q Well about? A. 4 or 5 years after that as well as I recollect
Q Then how long was it after this time before you saw her again? A Well I have been seeing her after that once in a while when I was—she staid down in the lower part of the country.
Q Do you know where she now lives? A. She lives on Grand river, I never was right at her place.
Q In the Cherokee Nation? A. Yes sir.
(By Mr. Hastings)
Q What's this girl's mother's name? A Aunt Emily Thompson.
Q Was that her name in Kansas when you knew her? A. Yes sir.
Q You never knew her until you saw her in Kansas? A. No sir.
Q Did she come with her mother? A. No sir.
Q She come with her father? A No sir.
Q Who did she come with? A. Uncle George Guthrie.
Q You didn't witness for this girl before the Kansas Citizen Commission?
A No sir.
Q You didn't remember it at that time did you? A I could have told you if you had asked me.
Q You are now willing to testify that you saw A girl and it was 20 years ago that you saw her in '66? A I was acquainted with her, and she done along in that manner.
Q Do you pretend to say that you remember all the people you saw in '66?
A No sir, they came with me.
Q Did they come down with you? A. Some came down [illegible]

Q What year did you come down? A. In '66.
Q You testified about being in Ft. Gibson in '65? A. Yes sir.
Q And you got with a woman and came up here on the Verdigris and spent the winter? A. Yes sir.
Q Then you go on back to Kansas and return? A. Yes sir.
Q But you hunted around here somewhere three or four months, two or three months? A. Yes sir, hunted there all the winter.
Q You didn't tell anything about that five years ago? A. No sir, if you had asked me I could have told you.
Q This same sort of investigation was going on at that time? A Yes sir
Q Caesar Smith didn't come back with you? A. No sir.
Q How far did he locate from you when he did come back? A. About 3 quarters of a mile.
Q Did you testify for Caesar Smith 5 years ago? . No sir, he was dead at that time.
Q Testified for any members of his family? A. No sir I didn't
Q Did he continue to live there at that place he located about three quarters of a mile from your place until he died? A. It was the same place, but he moved out to have water.
Q On Big creek? A. Yes sir.
Q How long do you remember seeing this woman therein '66? A She wasn't there many days.
Q And yet you remember that circumstance 35 years ago? A. Yes sir.
Q Where did she go from there? A. Her uncle took her from there, said he was going to Ft. Gibson with her.
Q You remember meeting him there at that time? A Yes sir he staid with me at that time and talked with me a good deal.
Q Who did? A Her uncle.
Q What was his name? A. Charley Brown.
Q She wasn't married then? A. No sir, she was just a girl'
Q She didn't have a husband along with her? . A No sir.
Q Man named Walker wasn't there with her then? A. No sir.
Q She had no child then? A. No sir.
Q Where did you next see her? . A I saw her in Ft. Gibson after that
Q How long after that? A. It must have been 4 or 5 years I reckon after that.
Q Where was she living then? A. I just saw her there in Gibson just come in town.
Q You dont know where she was living? A. No sir.
Q Where did you next see her? A. Man here on Brushy.
Q Who was she living with then? A. She was living with this man named Phillips then.
Q You know were she married him? A. No sir, I couldn't tell you that.
Q You testified in Abraham Ward's case didn't you? A. Yes sir.

Tom Clifton roll of citizens of the Cherokee Nation examined for applicant and found on page 184 No. 4141 Charles Walker, Saline district.

APPLICANT MARTHA PHILLIPS, re-called and further examined.

(By Gen'r Needles)
Q Charles Walker is in the penitentiary? A. Yes sir.
Q He is living now? A. Yes sir.
Q Did his wife have him enrolled with her? . No sir, I don't think she did.
(By Mr. Hastings)
Q Of what was he convicted? A. Of breaking in Mr. Walker's store.
Q Dick Walker's? A Yes sir.
Q How long ago? A. I don't know, it may have been a year or little over I dont know exactly.

Gen'r Needles moves Martha Phillips be dismissed for the compliment of witness and four minor children, namely [illegible] Phillips, [illegible] Phillips, [illegible] Phillips and [illegible] Phillips, [illegible] Charles Walker's [illegible]

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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ACTING CHAIRMAN

also for a son, Charley, 20 years old; avers that he is now confined in the penitentiary and impossible for him to be present said Charles Walker is also identified upon the Kern Clifton pay roll; by reason of the fact that her name does not appear upon the authenticated roll of 1880 and the protest of the Cherokee Nation, said Martha Phillips and her children enumerated herein and said Charley Walker, will be listed for enrollment as Cherokee freedmen a doubtful card; she will be notified by due course of mail by the Commission of the decision in her application when the same is arrived at.

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M. D. Green being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M. D. Green.

Subscribed and sworn to before me this July 8, 1901.

(signed) T. B. Needles

Commissioner.

* * * * * * * * * * * * * * * * * * *

I, Chas. von Weise, upon my oath state that the above is a full and correct copy of the original.

Chas von Weise

Subscribed and sworn to before me this 16th of August, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
June, 26th 1901, Nowata, I. T.

W. W. Hastings Attorney for the Cherokee Nation

A. S. McRea (Colored) attorney for applicants.

In the matter of the application of Bessie Phillips for the enrollment of herself as a Cherokee freedman; she being sworn testified as follows:

Q What is your name? A Bessie Phillips
Q What is your age? A. 22.
Q What is your post office address? A. Chouteau.
Q In what district do you live ? A Saline.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you desire to have enrolled? A. Just myself.
Q Are you married? A No sir.
Q Have you any children? A. No sir.
Q What is your fathers name? A. Charles ~~Hampton~~ Phillips.
Q What is your mothers name? A. Martha.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir on the Kern Clifton.

Kern Clifton roll examined and the applicant found as follows- Page 168 No. 4136, Bessie Phillips, Saline district.

Q Where were you born? A. In the Cherokee Nation
Q Have you lived here all your life? A Yes sir.
Q Never lived out of it? A No sir.

By Hastings-

Q At what point in the Cherokee Nation were you born, near what ne town?
Q I dont know sir.
Q When you were first old enough to remember anything, where were you?
A At Fort Gibson.
Q How long did you live there? A. I dont know.
Q When you moved away from there how old were you? A. I dont know.
Q What direction from Fort Gibson were you living? A. I dont know.
Q Where did you move to? A. Up here.
Q Up where? A. Prior creek.
Q Who were your neighbors there? A I dont know.
Q What kind of a house did you live in in Fort Gibson? A. Log house.
Q Double log house? A No sir just one room.
Q Live with your father and mother there? A. Yes sir.
Q Was it in the timber or on the prairie? A. Timber.
Q Dont you know how far from town it was? A. No sir Iswas a child.
Q About how old were you when you left there? A I dont know.
Q Was an reservation living there though? A. Yes sir.
Q Were there any streams up there? A. Yes sir.
Q What were the names of them? A. I dont know exactly.
Q Didn't you ever in town? A. No sir just to pass through town only.
Q That you moved to Prior creek did you? A. Yes sir.
Q In whose place did you live at Fort Gibson? A. Steve Smith's.
Q Whose place did you live in when you were on Prior creek? A. I dont know.

Q How long did you live there? A. I dont know.
Q Did you live when your grandmother died? A. No sir.
Q Was it 4 or 5 years? A. I guess so.
Q Who were your neighbors there? A. I dont know.
Q Where do you live now? A. In Saline district.

Q How long have you been there? A. About 11 years.
Q Who are your neighbors there now? A. Ned Adair.
Q Who else? A. Mr. Oliver.
Q You came from Fryer creek to Saline district near Ned Adairs? A I never lived on Fryer creek.
Q I thought you said you lived on Fryer creek? A. No sir.
Q Where didyou come from to from Fort Gibson then? A. Up on Brushey
Q Did you come from Brushey to Saline district? A. Went over on the creek.
Q What creek? A. Fryers creek.
Q I thought you said you never lived on Fryers creek? A. I never lived in the town of Fryers creek,that is what I said.

By the Commission

Q Where do you live now? A. In Saline district.
Q Who did with? A. Mother.
Q How long have you lived there? A. 11 years.

By McRea.

Q Miss Bessie, Steve Smith with whom you lived at Fort Gibson was an uncle of yours mother wasn't he? A. Yes sir.
Q What relation was he to you or your mother? A. An uncle of mine.
Q Have you any recollection of living at Fort Gibson? A. Not much.
Q After you left Fort Gibson, where did you first come to, where was your father and mother living then when you can first recollect? A I dont exactly know.
Q Was it where you are living now? A. No sir somewhere on Brushey.
Q Is that your first recollection after leaving Fort Gibson? A. Yes sir.
Q Who did you live with there? A. My father and mother.
Q How long did you live on Brushey creek? A. I dont know..
Q Where did you go then? A. Saline district.
Q Are you living there now? A. Yes sir.
Q Near what town? A. Choouteau

By Commission-

Q Have you ever married? .A No sir.
Q Have you ever lived outside of the Cherokee Nation? A. No sir.
Q Have you been going to school in Kansas? A. No sir.
Q Never went to school anywhere did you? A. Yes sir.

By Hastings-

Q Where?. A Tahlequah.

By Commission-

Q In Tahlequah? A. Yes sir.
Q At the Seminary? Q. Yes sir.
Q How long ago has that been? A. Two years ago.
Q You never graduated there? A. No sir.

MARTHA PATTERSON called as a witness for the applicant.

By McRae-

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Q What is your name? A. Martha Phillips.
Q Do you know the applicant? A. Yes sir, she is my daughter.
Q Where was she born? A. In the Cherokee Nation
Q Has she lived in the Cherokee Nation all her life? A. Yes sir.
Q Never been out? A. No sir.

By Hastings-

Q What place in the Territory was she born? A. On Greenleaf.
Q At whose house? A. At my cousin's house, Cole Fields.
Q Is she living yet? A. Yes sir.
Q What is her husbands name? A. Mike Fields.
Q How long did you live there? A. I dont know.
Q How old was the applicant when you left there? A. Very small.
Q Where did you move to from there? A. Brushey creek.
Q How far from Choouteau? A 4 or 5 miles.
Q How long did you live there? A. Not long.
Q Where did you go from there? A. to Fryer creek.
Q You live now near Red Adairs? A. Yes sir.
Q How long have you lived there? A. Going on 11 years.

By Com'r Needles,-

Bessie Phillips applies for herself; she avers that she is the child of Charles and Martha Phillips; she is not identified on the authenticated roll of 1880, but is identified on the Kern Clifton roll according to the page and number of the roll as indicated in the testimony; the testimony taken in the case of her mother Martha Phillips, a Cherokee Freedman Doubtful card #[illegible] is hereby referred to and made a part hereof and a copy of same will be filed with this application. Now the said Bessie Phillips will be listed for enrollment as a Cherokee freedman on a doubtful card awaiting the further consideration of the Commission and she will be notified by mail of its final decision

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 11th of July, 1901.

[illegible]
Commissioner

File with case C.F.D.#881.

Supl.-F.D.#852.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Martha Phillips, et al., as Cherokee freedmen:

Appearances:
A. S. McRea, Attorney for Applicants;
Mr. W. W. Hastings, Cherokee Representative.

ELIZABETH DAVIS, being duly sworn, testified as follows on the part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Eliabeth Davis.
Q How old are you, Mrs. Davis? A 57.
Q Where were you born? A I was born in Tennessee.
Q When did you move to Kansas? A '63.
Q In 1863? A In the fall of '63.
Q Where did you move to? A In Kansas; Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.

McRea: Comes now the Attorney for applicant and objects to the introduction of any testimony on the part of the Cherokee Nation by reason of the fact the case at bar is now in resadjudicata; further that the Cherokee nation served notic on attorney for applicant that they would hear testimony on September 17, 1901, at Fort Gibson; secondly, notice was further served that testimony would be taken against applicant at the City of Vinita, October 5, 1901. The Cherokee Nation failing to produce its evidence on these respective dates has severed their rights and further they having failed to notify the Commission that they had used due diligence to obtain their witnesses and also that the Cherokee Nation failed to file affidavits asking for a continuance for the further hearing of the case at bar.

Mr. Hastings: The Cherokee representatives desire to state that they have about 1200 of these cases; that they gave notice to this applicant, perhaps it is true, at Fort Gibson and at Vinita, and different times in a number of these cases, it is impossible to get witnesses there before of where they live, because of sickness and for various reasons, there being so many cases and there being only three attorneys for the Cherokee Nation, it is simply absolutely impossible to get all the witnesses subpoenaed in any one case at any one appointed place; and that this case was continued because of a technical objection raised on the point that in as much as stated in the notice at Fort Gibsion, and that there has been no notice by the Commission that testimony in these cases would be closed, and the representatives of the Cherokee Nation contend that until the Commission serves notice upon all that testimony in all these cases would be closed, that the Cherokee Nation is at liberty to take testimony, as the records will show in this case that testimony would be taken in this case on to-day, and the applicant herself is here, both in person and by attorney. I am advised that witnesses were present at Fort Gibson, but because of the wrong stamp of Vinita being used in that notice, they were not alleted to be introduced.

Mr. Hastings:

Q Did you ever know a colored woman up there who is the applicant here by the name of Martha Thompson, or Martha Phillips?

A Martha Thompson, I knew her.

Q When did you learn to know her, Mrs. Davis? A Well, I learned to know her about '62, No? '64. I went there in '63 and I think I knew her about '64.

Q Did you know her mother? A Yes, sir

Q What became of her mother? A Well, I don't know; she went to the Asylum for a while; she came out of there and I don't know what did go with her; I suppose she came back to the Territory.

Q How long did you continue to know the applicant, Martha Thompson, as you knew her? A Well, I could not give the exact number of years, I knew her quite a while there.

Q Well, about how long; your best judgment? A Oh, I guess from 6, 7, 8 or 9 years somewhere along there; I don't know just how long.

Q Did you know her there after the war? A Oh, yes; I knew her all I knew of her after the war.

Q You knew her six or seven years after the war? A Yes, sir.

Q Did you know her continuously, I mean right there along?

Q Yes, sir, I knew her all the time.

Q How far did she live from you? A Oh, I guess a block or block and a half.

Q Did you know whether she had a child up there or not?

A I don't remember anything about the child.

Q Do you know whether she married up there or not?

A I don't know.

Q Did you know her mother's name? A Her mother's name was Emily Thompson; name she went by there.

Q You commenced knowing her about 1864? A Yes, sir.

Q And you knew her for six or seven years after after the war?

A Yes, sir.

Q I will ask you if you knew this applicant around here(referring to applicant? A Yes, sir, I think so.

Q You recognize the applicant do you? A Yes, sir

Q She is the same woman you have reference to? A Yes, sir, I recognized her after I sit here a while.

BY ATTORNEY McREA FOR APPLICANT:

Q Mrs. Davis, when did you arrive in the city of Muskogee.

A Last night; oh, this morning, seven o'clock.

Q I suppose you can read and write can't you? A Yes, sir.

Q Have you ever seen a copy of that before? (Witness shown copy of testimony in this case) A No, sir, I have never seen a copy of that, or no other copy.

Q Now, when did you say you first leanred to know Martha Thompson?

A I think I knew her in '64, I think that was the first year, I knew of her.

Q Under what circumstances did you meet her? A I knew of her being around there; I went to see her mother when she was sick quite often went to see her mother. I knew who Martha worked for and I knew her brothers and all of them.

Q Where was it you first met her? A I met her first in Fort Scott, is all I know about meeting her, probably in the street.

Q That was in the year 1864? A I think it was, you must remember I am not ~~positiv~~ positive on dates; I didn't know that I would ever have to come out and tell these, and I didn't have them set down.

Q Was she married? A No, sir, she was not married when I knew her.

Q Was she a full grown woman? A Yes, sir

Q About how old would you take her when you first saw her?

A I would take her to be 18 or 20.

Q How long did she live in Fort Scott to your knowledge?

A I think she lived there about seven years, or maybe longer than that. I am certain she was there in '70, for her mother went to

the Asylum that year.

MR. HASTINGS:

Q In '70? A Yes, sir

BY McREA:

Q Well, when did she leave Fort Scott? A I don't know; she could not have left there earlier than '78.

Q Did she live there continuously from 1864 until--?

A I seen her there ever once in a while.

Q For six or seven years? A Yes, sir.

Q From '64 until '71 when she left there? A Yes, sir

Q Well, where did she go to? A I don't know where she went to.

Q Do you know where she was in 1865? A No, I don't know where she was in 1865.

Q Do you know where she was in 1866? A No.

Q Do you know where she was in 1867? A No, but I think she was in Fort Scott; wasn't she?

Q I don't know, Madam, you know? A I don't know where she was.

Q You don't know where she was? A No, sir.

Q You don't know where she came from do you?

A Yes, she came from the Indian Territory up there.

Q How did she arrive? A I don't know; I didn't see her come in. She might have come afoot for all I know.

Q Did her mother have any other children other than the applicant?

A She had two children, one was named Ellis, I don't know what the other one was named.

Q Did I understand you to say that Martha had children?

A No, sir, I don't know of her having any children.

Q Did you know whom she came to Fort Scott with? A No.

Q What did she do there? A She worked wherever she could get a place to work.

MR. HASTINGS:

Q Did you ever miss her for those six or seven years, say from 1864 to 1872? A I never missed her at all until she went away for good.

RICHARD DRAKE, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. HASTINGS.

Q What is your name? A Richard Drake.

Q How old are you, Mr. Drake? A About 50.

Q Where were you living when the war closed? A Living at Fort Gibson.

Q When did you commence living at Fort Gibson? A Well, I went there about '61 or 2.

Q And when did you leave there? A I left there in '70.

Q Where did you go in 1870? A I went to Fort Scott.

Q Y u know this applicant whose maiden name was Martha Thompson?

A Yes, I was some acquainted with her.

Q When did you get acquainted with her? A I judge it was along about '71, somewhere along about there.

Q Where at? A Fort Scott.

Q How long did you continue to know her? A I knew her previous to the time she left there.

Q Well, about how long was that? A Why I judge she left there about '74.

Q And then you knew her there three or four years? A Yes, sir.

Q Did you know her mother? A Why I wasn't so very well acquainted with her; I knew one time there was an occurrence happened; she got kinda crazy.

Q Do you know whether she was sent to the Asylum or not?

A I think she were.

Q Do you know whether this woman, this applicant, had a child up there or not? A I could not say.

there or not? A I could not swear positive on that; that is my understanding she did.
Q Did you ever know her at Fort Gibson while you were there?
A I never saw her there to know her.
Q And the first acquaintance you had with her was then in Fort Scott, Kansas? A Yes, sir.
Q That was about 1870? A Yes, sir.
Q Did you see her frequently for that three or four years?
A Well, no, not every day occurrence.
Q I mean along at different intervals? A Yes, sir; I saw her at different times.
BY McREA:
Q Mr. Drake, can you read and write? A Oh, a little bit.
Q Did you ever see a copy of that? (Copy of testimony in this case shown witness? A Not that I know of; not to my knowledge, I didn't
Q When did I understand you to say that you first became acquaint ed with the applicant here? A Why myjudgement it was along about '70 or '71, somewhere along there.
Q Under what circumstances did you become acquainted with her?
A By being with her, some folks that lived there by her.
Q ~~By being with her~~
Q Well, how did you become acquainted with her?
A Well, by people calling her by name that I knew.
Q Did you ever have any introduction to her? A Well, I could not recall that, that is too far back for me to recall that.
Q Now, do you k ow the applicant to be the same 3oman?
A By looking at her?
Q Yes. A My judgement is she is changed since I saw her.
Q Is she the same woman? A Is this the woman (referring to applicant).
Q Yes? A I think her features has been with her; but she doesn't look like her when I saw her last.
Q Now, you can't swear positively this is the same woman?
A Well that there, that might be somewhat according to circumstances, whether you could or not.
Q Well, now, you just state whether this is the woman you met there thirty odd years ago. A It looks very much like her to me, as I said she has changed.
Q Well, now, just say whether she is or not?
A Well, in my judgement she is the same woman.
Q In your judgement, but you would not swar positively?
Commission: Just answer his question.
A Yes, I think I would.
Q Now, do you know where this applicant came from when she came to Fort Scott? A No, sir.
Q Do you know whether or not she was a slave in the Cherokee Nation before the war? A No, sir.
Q Can you swear positively of your own knowledge that she was not in the Cherokee Nation in 1866? A Why, no.
Q You don't know of your own knowledge ~~that she was not in the Cherokee Nation in 1866 & why~~ how long she had been in the City of Fort Scott before you arrived there? A No, sir.
Q Now, Mr. Drake, how long did you continue to know the applicant after you arrived in the City of Fort Scott? A I could not designate to a day.
Q Well, approximately? A Well, possible a it might have been four or five years.
Q After which times she left did she? A Yes, sir
Q Did you know where she went to? A no, sir.
Q Did you meet her frequently after you first learned to know her?
A No, I didn't meet her frequently; I see her at times at church.

Q What was her occupation? A Well, I could not just say positive; on that I don't know.
Q Did you ever have any conversation with her in your life during your knowledge of her in the city of Fort Scott?
A Not that I could recall now.
Q You have never had a conversation with this woman in all your life, did you? A Not that I know of.
Q Well, now, in your opinion you say she is the same woman, and that youracquaintance was of an intimate knowledge?
A I say that by knowing people that lived there by her.
Q Did you ever have a conversation with her in your life?
A I can't say that I have.
Q You never heard in your life where she came from?
A No, sir.
Q You never heard in your life when she arrived in the City of Fort Scott? A I heard it reported.
Q Your own knowledge? A No, not of my own knowlege, no
Q What is your occupation? A My occupation now is running a dray wagon
Q How long have you been running a dray wagon? A Oh, five or six years.
Q What was your occupation prior to that? A Working in a lumber yard.
Q About how old were this woman when you first learned to know her?
A I am not prepared to tell that; she were a young woman in my judgement.
Q About how old was she; about ten or 15 years old?
A She was as much as that.
Q About 15? A I say she was as much as that.
Q You say she was not married? A Not to my knowledge.

Commission: This testimony will also be made a part of the record in case Cherokee freedman D.#881.

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J. O. Rosson, being first duly sworn, states that as stenograpner to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this February 20, 1902.

Commissioner.

Cherokee Freedmen D 852 &
D 881.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA PHILLIPS, ET AL., and BESSIE PHILLIPS, ET AL., as Cherokee freedmen.

It appears that on May 7, 1904, the principal applicants, their attorney and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 15, 1904, and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant, ~~Martha Phillips in person and~~ by attorney A. N. McRea.
Cherokee Nation by its attorney, James S. Davenport:

MINERVA RUNYAN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Minerva Runyan.
Q How old are you? A 50 years old.
Q What is your postoffice address? A Fort Scott, Kansas.
Q Do you know the applicants in this case, Martha Phillips and Bessie Phillips, her child? A Yes, sir.
Q You knew both of them? A No, I don't know Bessie; I just know Martha.
Q When did you first get acquainted with Martha Phillips? A In 1865.
Q Where was she when you first got acquainted with her? A She lived just across the alley from our place in the same block.
Q Where about? A In Fort Scott, Kansas.
Q How long did she continue to stay there? A From 1865 to 1875.
Q Continually? A Continually to my best recollection.
Q With her family? A With her mother.
Q What was her mother's name? A Emily Thompson.
Q In 1875 did they leave? A I left there in 1875, and I left her there.
Q Since that time you knew nothing of her whereabouts? A No, sir.

By Mr. Davenport:
Q Did you know any of her brothers? A Jim, Joe and Ellis.
Q Do you know whether or not Martha had a child born while living there? A Yes, sir.
Q Do you know the reputed father of that child? A Jim Walker.
Q You moved away away in 1875 and left Martha and her mother living there? A Yes, sir.
Q And her mother's name was Emily Thompson? A Yes, sir, I left Martha there.

By Mr. McRae:
Q You knew Martha Phillips, Mrs. Runyan, in 1865? A Yes, sir.
Q You are positive of that? A Yes, sir, as Martha Thompson at that time; she wasn't married then.
Q That was in Fort Scott, Kansas? A Yes, sir.
Q When did she come to Fort Scott, Kansas? A Well, I remember her first in 1864.

Q You didn't know when she came? A Not just when she came.
Q Under what circumstances, Mrs. Runyan, did you first meet her?
A Well, I just met her by her being a neighbor in the same neighborhood with us.
Q Is this Martha Phillips who made application for citizenship in the Cherokee Nation June 25, 1901, the same Martha Phillips that you knew in Fort Scott, Kansas, in 1865? A Well, I can't say as to that unless I could see her; I think I would know her, but it has been 29 years since I saw her.
Q Is she the same identical person? A I think she is.
Q Why do you think so? A It don't seem like they could be the same family and same names right straight through.
Q Then it is a matter of opinion with you that this is the same person and not to your own knowledge, is that it? A Well, I think it is the same person.
Q You think it is? A Yes, sir.
Q You don't swear positively that it is, do you? A It don't seem as I could swear it, unless I could see her; I couldn't swear positively when I don't see her.
Q You all were neighbors from 1865 to 1875 in Fort Scott, Kansas?
A Yes, sir.
Q What time of the year 1865 was it that you first met her? A I can't just tell; I think to my best recollection it was in the fall of the year.
Q Of 1865? A Yes, sir, of 1865.
Q How close did you live to her? A Just across the alley, just in the same block.
Q What was her occupation? A She was just a working girl.
Q Who did she work for? A Really I couldn't call the names of the different ones.
Q She was a girl? A Yes, sir.
Q About how old? A She may have been 18 or 19 years old.
Q You don't recollect for whom she worked? A No, sir.
Q You don't know the kind of work she performed? A She was a house girl.
Q House girl? A Yes, sir.
Q Now, Mrs. Runyan, did you see her continuously from 1865 to 1875, right in Fort Scott, Kansas? A Yes, sir.
Q You saw her continuously? A It may have been a week at a time x that I wouldn't see her;
Q For ten years? A Yes, sir.
Q You are positive of that? A Yes, sir.
Q She worked right in that immediate block? A No, sir, she lived in that block.
Q She lived there for ten consecutive years in that one block? A Yes, sir.
Q You say she had a child born there? A Yes, sir.
Q What is its name? A Charley.
Q Now, Mrs. Runyan, it has been, you say, 29 years or thirty years since you have seen Martha? A Yes, sir.
Q Have you ever thought of this matter during that period? A I have thought of Martha.
Q What caused you to think of her? A I have talked with her people about her; I knew some of her folks lived up there for quite a while after Martha was gone.
Q Now, when was the first time your attention was called to your knowledge of Martha Phillips since 30 years ago? A It has been 14 or 15 years since I have seen any of her people.
Q Has anyone spoken to you about your knowing her quite recently?
A Yes.
Q Who? A No one but Mr. Hays.
Q How long have you known Mr. Hays? A I have known him a couple of years.

Q Were you in Fort Scott, Kansas, during the, living there during the year 1901? A Yes, sir.
Q Did you see Mr. Kays up in and around Fort Scott, Kansas, during that time? A 1901?
Q Yes. A I think not.
Q Well,did, two years ago, you say, is the first time you met him? A Yes, sir.
Q Did he say anything to you about knowing Martha Phillips at that time? A No, sir.
Q How did he learn that you knew Martha Phillips? A Well, I don't know unless it is because I have always lived in that neighborhood; lived right there since 1862.
Q Well, now, did you know of Martha Phillips' whereabouts for the whole year 1866? A Of 1866?
Q Yes, ma'am. A Well, most of the time I did; it might have been a week or two that I wouldn't see Martha, but she would come home every few days. After her mother was gone she would come to her cousins that lived there.
Q Did you ever miss her at any time during the year 1866?A No, I don't know---I know I didn't.
Q Could she have possibly gone from that neighborhood during 1866 for any period of time without your knowing it? A Not more than two days or something like that.
Q From the statement, then, that you make now you had some special interest in the movements of Martha, didn't you? A No, sir, only we were girls there in the neighborhood.
Q Did you know any other colored girls that lived in that neighborhood? A Yes, sir.
Q Did you keep as accurate knowledge of their whereabouts as you did of Martha's? A Yes, sir.
Q Can you name them? A Susie Brown, Mary Brown and Martha Henderson, the Robinson girls, Mary Robinson, Lizzie Robinson, Jane Robinson, Martha Robinson--so many lived there in our neighborhood.
Q Now, you say, Mrs. Runyan, that you knew Martha and all of her family? A Yes, sir.
Q Her brothers? A Yes, sir.
Q How long did her brothers remain there? A I couldn't tell so much about that.
Q They all lived together, didn't they? A Most of the time they did, but after their mother went to the asylum I couldn't tell what went with the boys; I didn't know them as well as I did Martha.
Q Do you know where Martha was on the first day of June 1866? A I couldn't tell where she was the first day of June, 1866.
Q Do you know where she was the 30th day of June, 1866? A I don't know as I could tell that.
Q Do you know where she was the first of July, 1866? A No.
Q Do you know where she was at any time during July, 1866? A She was in our neighborhood.
Q She was there during the whole month of July, 1866? A I don't know; I didn't miss her particularly; I didn't miss her out of the neighborhood. I would see her once a week, anyway.
Q During the whole month of July, 1866? A Yes, sir.
Q Did you see her during the whole month of August, 1866? A Yes, sir.
Q The month of September? A In 1866?
Q Yes. A Yes, she was there.
Q Where was she and what was she doing? A I couldn't tell what she was doing.
Q And you don't know who she was working for? A I don't know who she was working for, but I would see her go and come.
Q Where was she during the month of November, 1866? A In Fort, Scott.

Q Where was she during the month of December, 1866? A In Fort Scott.
Q Where was she during the month of January, 1867? A In Fort Scott.
Q Where was she during the month of February, 1867? A In Fort Scott.
Q You say that Mr. Keys was the first one to call your attention to your knowledge of knowing Martha Phillips? A Yes, sir.
Q Quite recently? A Yes, just recently.
Q Will you state what he said to you? A He asked me if I remembered Martha Thompson; of course it is Phillips now.

By the Commission:
Q Can you give the names of the persons who composed this family of Martha Phillips'? A Yes, sir.
Q If you will, please? A Martha Phillips, Emily Thompson, Jim Thompson, Joe and Ellis.
Q They were all living there, were they, from 1865 until 1875, I believe that is your testimony? A Well, Martha was, but the boys went away between those time; I don't know--
Q Did Martha and her mother, Emily, live there during this time? A The mother went away before Martha did; she was sent to the asylum.
Q You are positive, the, just as to Martha? A Yes, sir, Martha I seen right along.

By Mr. McKee:
Q Did you know to whom Martha, whether or not she was a slave? A No, sir, I don't know.
Q Did you ever have any conversation with her during your acquaintance with her? A Yes, sir, frequently.
Q Where did she say she was from, if anywhere? A From the Nation.
Q You are pretty well acquainted in Fort Scott, are you? A Yes, sir, I have lived there for 42 years.
Q Are you acquainted with Mrs. Elizabeth Davis? A Yes, sir, I was.
Q Now, you say you left Fort Scott in 1875? A 1875.
Q And you left Martha there? A I left Martha there; I left there and left Martha there in the Spring of 1875, in March.
Q Mrs. Elizabeth Davis testifies in behalf of the Nation that she was acquainted with Martha, and that she, the applicant, left Fort Scott, Kansas, sometime in the year 1874, was her statement correct? A No, for I left there in 1875 and I left Martha there.
Q Then Mrs. Davis is mistaken when she says she left in 1874? A Yes, I think she was.
Q You say you knew her mother, Emily Thompson? A Yes, sir, I knew Emily.
Q When did her mother leave there? A I couldn't tell just when the mother left.
Q Did you leave her mother there? A No, sir, her mother was gone when I went away, and she was living with her cousin; lived with Susie Brown and Mat Coles.
Q Have you any knowledge of her mother having been sent to the insane asylum? A Yes, sir.
Q When? A When I couldn't tell. It has been so long ago, and I have never given it a though and the mother was gone so much longer than Martha.
Q Did you know any other of Martha's kin folks other than the immediate family? A Yes, Mrs. Coles was a cousin, if I remember right; she was related in some way.
Q Did you know Richard Drake that lives in Fort Scott, Kansas? A Yes, sir.
Q He testifies also in behalf of the Nation that Martha Phillips left Fort Scott in 1874? A In 1875?
Q Yes. A I left there in 1875, and I left Martha there.

Q The left Mr. [illegible] Shield her brother, James, or Martha, herself? A James left before Martha.

Q Did you know either of these children to leave? A No, sir.

Q Never heard? A No, sir.

Q When was the last thing, if you remember, you saw her brother James herself? A I couldn't tell.

Q Have you any interest in the events of this hereafter? A None whatever.

Q Mr. Simpson, you stated that you didn't know where her brother James left? A No, sir.

Q Isn't it possible that somebody knew left at the time he did and you did have heard of? A No.

Q Why? A They lived so close to us.

Q You say you lived in the same house? A Yes, sir, but I didn't know Martha.

Mr. Bennett: The representatives of the Cherokee Nation offer a certified copy of the marriage license of Cody Jones of Delaware, to Martha Simpson, of Rock Creek, Texas, date of December 28, 1878, date of consummation of said marriage December 1, 1878, and certificate of Clerk of County or Probate, State of Texas, attached.

Mr. Talley: Comes now the applicant through her attorney and objects to the introduction of the marriage license herein for the reason the applicant states that she was never consulted in our Cody Jones, or any other Jones, at any time during her life. The certificate license is further objected to for the further reason it does not appear and tend to prove in any manner that the Martha Simpson named in the same person as the applicant herein Martha Shields. Applicant further states that she has only been married during her life time to one person, namely, to one Charles Shields, now deceased, and to one Sterling Shields, her one present husband.

Contestant: Objection will be noted, and document will be filed and made a part of the record in this case, marked "Exhibit A."

(Continued cross-examination of [illegible] on June 18, 1934.)

June 18, 1934, Martha Shields, appearing in person and by attorney A. S. Tolley, and the Cherokee Nation appearing by the attorney, Mr. R. E. Bell, the following testimony was introduced:

LUCY JACK SCOTT, being first duly sworn, testified as follows:

By the Contestant:

Q What is your name? A Lucy Jack Scott.

Q How old are you? A 40 this coming October.

Q What is your postoffice address? A Tahlequah, Oklahoma.

Q You are a citizen of the Cherokee Nation, are you? A Yes, sir, I suppose so.

Q Do you know the applicant in this Cherokee Freedom case, Martha Shields, or did you ever meet the Martha Simpson? A I never knew her than the 1900 Simpson.

Q Do you know Martha Shields? A I got acquainted with her when she was Martha Jones, Mrs. Cody Jones.

Q Did you know the children of Mrs. Shields' brothers or sisters? A No, sir.

By Mr. Bell:

Q When did you first become acquainted with Martha Jones? A In the fall of 1900.

Q Where? A [illegible]

Q Why did you say the Martha? A Cody Jones, a brother, was with them; I got acquainted with her.

Q Did you know this Sandy Jones prior to that time? A I had.
Q What acquaintance had you with him? A He roomed at my house before he married, and I worked for him.
Q When did he marry this Martha Phillips? A I don't know; I didn't see him married, but he went to Fort Scott and came back married and introduced her as his wife.
Q When was that? A In 1875, in the fall of 1875.
Q He left your place there at Joplin and went to Fort Scott and married a wife? A Yes, sir.
Q Do you know whether he left your place saying he was going to marry?

Mr. Kelsey: We object to anything he said.
Commissioner: Objection noted. Witness will answer.

A I know he said that, but I didn't see him married, but he brought her back and introduced her as his wife.
Q You state the circumstances, then, just preceding his going to Fort Scott? A There was no circumstances.
Q He stayed at your house? A You asked me if I were acquainted with him; I told you he roomed at my house; I didn't say he was roomed there then he went to Fort Scott.
Q Did he have any talk with you about going to Fort Scott to get married? A Something just talking, saying "I was going to get married and bring wife here."
Q About the time he left? A It may have been a month or two months before he left.
Q All you know is he went to Fort Scott and brought this woman and said he had married her? A Yes, sir.
Q Did they stay down there and go to work like married folks? A He laboured there and they kept house.

Mr. Kelsey: The attorney for the applicants objects to that as not a question at issue under the Departmental letter. It makes no difference if she had been married to a thousand Jones' or Williams' and we object to it.

Mr. Bell: It is necessary to make these preliminary questions and proof in order to establish the fact that we must prove here. The question at issue is if the party returned to the Cherokee Nation, and what we propose to prove is that she didn't come here in 1846, and under the circumstances we will show that it would not have been possible for her to have been here.

Mr. Kelsey: Her marriage to Jones is not an issue.

Commissioner: I think the testimony tends to prove the whereabout of the applicant. It is necessary to show that she wasn't in the Cherokee Nation.

Mr. Kelsey: On behalf of the applicant we will admit that at question during the year 1875 she wasn't in the Cherokee Nation, if that will suffice, and we will dispense with this part of the testimony, and lets get down to the question at issue.

Commissioner: Objections will be noted.

By Mr. Bell:
Q How long did this man Sandy Jones and his wife remain there in Joplin? A I don't remember just how long, sometime in '76, but I didn't have just how long.
Q They didn't stay there, then, more than a year or so? A I don't know, I don't remember.
Q After they left there, did you ever see them again? A I don't [illegible]
Q Have you seen her in this county? A If I did I wouldn't have known her. I was at Fort Gibson and tried to get here; I heard of her.

Q You don't think you would know her if you had seen her? A No, sir, I think not; it has been quite a while, and I don't know whether she would know me.
Q Look at that woman behind you and see if you know her? A No, sir, she don't look natural to me; if this is her she is much darker and much larger.
Q You were formerly a slave were you? A I was born at Honey Creek.
Q Say yes or no? A Yes, sir.
Q You was at the beginning of the war? A Yes, sir.
Q Did this Martha Jones that you knew up there in Joplin claim to have been a Cherokee freedman?

Mr. McRea: We object to that.
Commission: Objection will be noted and witness will answer.

A I didn't know her at that time, but always heard of her and heard that her master was her father, and that she was a slave.
Q Didn't you and her never have any talk whatever about her belonging down here? A Yes, sir, we had talk about that, but we never talked anything about how we come into this world.
Q I want to know if you and her talked about you and her belonging down here and she said her master was her father? A Yes, sir.
Q What was her name before she married Jones, what did you learn about that? A Jones called her Mattie Thompson, and said Jack Thompson was her father.

By Mr. McRea:
Q Mrs. Griffin, how came you down here as a witness in this case?
A Sam Keys brought me yesterday.
Q What representations did he make to you to get you to come? A He didn't induce me; he compelled me.
Q He compelled you, tell about it? A He come up Monday morning and rung the door bell and ask for Mrs. Gratten; that was my name formerly, and she told him that I was down in the hall, and he come and asked me and says "Keys is my name," and I ask him if he was Keys of the Cherokee Nation, and he says "Yes, ma'am," and he asked me if I knew Martha Thompson, and I stood there and didn't say anything. Some calls her Thompson and Phillips and Jones, and I said "Yes, sir, I was once," and he says "Where is she?" and I said "six or seven years ago I inquired for her and they told me that she lived ten miles from Chotesuk," and he says "She is there." And I didn't know them, I stepped and looked at him; that is all he said at that time.
Q Did he say anything more at any other time? A He said he would see me again and at another time I seen him.
Q What did he say then? A He asked me if I knew she married and ask me about that, and I stated as I said here this morning.
Q You don't know her whereabouts during the years 1866 and 1867, do you? A I never knew until 1875.
Q Not until 1875? A No, sir.
Q When you first met her then, was when it was alleged to you by one Sandy Jones that she was his wife, or introduced to you as his wife?
A Yes, sir.
Q That was about 1875? A The fall of 1875.
Q Where was that? A Joplin, Missouri.
Q And you know her for a period of about a year after that? A Yes, sir.
Q You don't know where she went? A I said I didn't see her; I didn't say I didn't know where she went; I said I didn't see her.

By Mr. Bell:
Q Where did you understand she went? A Come to Carthage, Missouri, 17 or 18 miles from me.

By Mr. McCrackken:
Q Do you know she went there? A I didn't see her there.

GEORGE PATTERSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George Patterson.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Carthage, Missouri.
Q You are a citizen of the United States? A Yes, sir.
Q Do you know the applicant in this case, Martha Phillips? A I don't know her as Phillips.
Q Did you know this applicant as Martha Thompson, whose mother was Emily Thompson? A No, sir.
Q Did you know her as Martha Jones? A I knew Martha Jones at Carthage.
Q Did you ever know any of her brothers or sisters, or mother? A No, sir.

By Mr. Bell:
Q When did you become acquainted with Martha Jones at Carthage? A I am not positive; I went to Carthage; it was either in the latter part of 1878 or in 1879, I am not positive which, and this Sandy Jones was there then as a barber.
Q Sandy Jones livedwith Martha? A Yes, sir.
Q Were you well acquainted with Sandy Jones? A Not so well acquainted with him, but I knew him as a barber and he went away after I had been there a while.
Q Were you ever at his house? A Not while he was there.
Q Did you have any personal acquaintance with his wife? A Yes, sir, the way I got acquainted with her a young lady lived with her and I went to see her.
Q That is what got you to his house? A Yes, sir.
Q Would you know Martha Jones now if you should see her? A I don't know.
Q Take a look at that woman behind you and see what you think about her? A That don't look like her; she has changed mightily if that is her; this one is darker and lets larger; that was a slim woman.
Q Do you see anything about the features that resemble her? A Nothing only darker; I don't think she was a dark as that. It has been a long time since I saw her.
Q Did you ever know a man by the name of Phillips there? A Yes, sir.
Q What time did he leave there? A Charley was there, I don't remember just when he came there.
Q Do you know what time he left then? A I don't know just when he came, but he was there in 1882 and '3.
Q Was he a married man there? A Yes, sir.
Q Did he take his wife away with him when he went? A No, sir.
Q When did Martha Jones leave there? A I am not positive about that, but I think she left there in 1884.
Q Did Jones go with her? A No, sir.
Q They separated them? A Yes, sir, Jones left there long before she did.
Q He left before she did? A Yes, sir.
Q Where did this Martha Phillips or Jones go when she left there? A I don't know.
Q You didn't understand where she went to? A No, sir.

Mr. McKee: The attorney for the applicants moves to strike out

the above interrogatory for the reason that there is nothing in said interrogatory that goes to show that the Martha Jones being testified to by the witness is the applicant herein.

Commission: The objection will be noted and the testimony will be considered for what it is worth.

Q What was Charley Phillips' business there in Carthage? A First a Brakeman.
Q Didn't he hold some official position a while? A Yes, sir, Police
Q You knew him as that? A Yes, sir.
Q You were a Policeman, yourself, awhile? A Yes, sir.
Q You knew nothing whatever of Charley Phillips after he left there? A No, sir.
Q Have you heard of him since? A I heard once that he was in the Territory somewhere.
Q In the Territory? A Yes, sir, somewhere.
Q And had married this Martha Jones? A I heard that, but didn't know it.

By Mr. McKee:
Q I believe you stated, Mr. Patterson, that the applicant, Martha Phillips, now present, that there is nothing about her that would cause you to identify her as being the Martha Jones, the wife of Sandy Jones, who had a grown daughter that you called on to see there in Carthage? A I didn't understand as to the daughter. This young lady was there at his house.
Q With Sandy Jones and his wife? A Sandy wasn't there then.
Q Well, Martha Jones? A Yes, sir.
Q If this is the one there is no resemblance? A She don't look like the woman.
Q You had no acquaintance with the applicant here, if at all, before 1880----- '78 or '9? A No, sir, but later I become acquainted with her.
Q Prior to that you had no acquaintance or knowledge of such a person? A None whatever.

JAMES M. KEYS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A James M. Keys.
Q How old are you? A 61 years of age.
Q What is your postoffice address? A Fryer Creek, Indian Territory.
Q Do you know the applicants in this case, Martha Phillips, et al.? A Yes, sir, I know Martha Phillips.

By Mr. Bell:
Q What is your business? A I am a farmer and stock raiser, now acting as Marshal for the Cherokee attorneys for the Cherokee Nation.
Q Have you had, do you know Charley Phillips, the husband of this woman? Martha Phillips? A I do.
Q Where do they live? A East of Chelsea about six miles, I think; would not be positive, but I think it is about six miles.
Q In your business transactions could you tell anything about this Charley Phillips being in Joplin, Missouri, the husband of this Martha Phillips?

Mr. McKee: We object to that for the reason the name of Charley Phillips isn't in issue and would have no bearing upon the question now at issue as to the return of Martha Phillips to the Cherokee Nation in 1866, in accordance with the letter of the Commissioner of Indian Affairs, directed to the Commission to the Five Civilized Tribes, pertaining to the same, of date May 7, 1866. The letter of

Commission to the Five Civilized Tribes, Muskogee, Indian Territory, May 7, 1904.

Commission: Objection will be noted and witness will answer.

A I had a letter first from Carthage, Missouri, stating that---

Mr. McRae: We object to that for the reason the letter is the best evidence.

Commission: Objection noted.

A I had information that Charles Phillips lived at Carthage, Missouri and that he left the country in 1884 with a woman named Martha Jones. That is what took me to Carthage.
Q You went there? A Yes, sir.
Q Tell how come you to receive the information; didn't you get information some way from there----

Mr. McRae: We object to that as leading the witness.
Commission: Objection noted. Witness will answer.

A I received information and I went there and found out that Phillips left there and that he had recently returned to Joplin not long ago and laid claim to one-half of his former wife's estate.
Q Go ahead and tell what you learned? A I have told you that he left his former wife and came to the Cherokee nation with the woman named Jones, and that he returned back and claimed a part of his former wife's estate recently.
Q Did he come here? A Yes, sir.
Q Bring this woman? A Yes, sir, he left Carthage and came to the Territory, and with the woman named Jones.
Q That is what they told you? A Yes, sir.
Q State what you know about him after he came here? A He has lived here since 1885.
Q Who did he come with? A I don't know.
Q Who has he got for a wife? A Martha Phillips.
Q How long has he lived here? A Since 1885.
Q And has had this woman for his wife since that? A Yes, sir, I think so.
Q Don't the country recognize her as his wife? A Yes, sir.

By the Commission:
Q What you stated in regard to the applicants coming to the Nation is what you learned from information and didn't know it as your personal knowledge? A Yes, sir.
Q You know, though, as to their residence since 1885 in the Cherokee Nation? A Yes, sir.

HARRY STILL, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Harry Still.
Q How old are you? A I am close to 60 years old.
Q What is your postoffice address? A Whaydan.
Q You are an applicant for enrollment as a Cherokee freedman? A Yes
Q Do you know the applicants in this case, Martha Phillips, et al.?
A Yes, sir.
Q Do you know her brothers and sisters? A No, sir.
Q You just know----- ? A She and her mother.
Q What is her mother's name? A Emily.
Q Emily what? A Emily Thompson, I knew her by.
Q Do you know what name she goes by now? A No, sir.

By Mr. McRea:
Q You are an authenticated citizen of the Cherokee Nation, are you not? A Yes, sir, I ought to be.
Q How long have you known the applicant, Martha Phillips? A Since 1861.
Q Where did you first learn to know her? A Out not far from Webbers Falls when she lived with her master.
Q In the Cherokee Nation, Indian Territory? A Yes, sir.
Q Do you know or did you see Martha Phillips in the Cherokee Nation any time during the fall of 1866? A I saw her in the fall of 1866, yes, sir.
Q Where? A At Cicero Smith's, on Big Creek.
Q In the Cherokee Nation, Indian Territory? A Yes, sir.
Q Was Cicero Smith any relation to her? A I think so.
Q What relation? A Cicero Smith's children, them Mackeys, the relationship comes from Cicero Smith, but I don't know exactly what; Cicero Smith's children and him--
Q That was in the winter of 1866? A Yes, sir.
Q Do you remember what month it was? A About December, I was at Peter Meigs and went to Cicero Smith's house and Martha was there.
Q Do you know where he came from? A Yes, sir.
Q Where? A Fort Scott, there is where I saw them last.
Q Did you ever see Martha at Fort Scott? A Yes, sir, I have knowed her ever since she was a little girl.
Q One Mrs. Runyan from Fort Scott, Kansas, testified on the stand on behalf of the Cherokee Nation on yesterday that during the entire year of 1866 that Martha Phillips or Martha Thompson was at Fort Scott, Kansas, about that time in the winter, November or December, 1866, is her statement correct? A No, sir, she is mistaken.
Q Will you state to the Commission why, in your opinion, she is mistaken? A I know her as good as anybody. She was not in Fort Scott in 1866, because she was on Big Creek, and when she left there she went on to Fort Gibson to her people, and I have been seeing her there, and she has been here since she was a single woman, and I have seen her several times.
Q Look and see if that is the same woman that you saw on Big Creek in 1866? A Certainly, I have known her longer than any of you and have seen her lots of times; have been pretty near raised with her.
Q Have you been seeing her in the Cherokee Nation continuously, that is occasionally, for the last 15 or 20 years? A Yes, sir, occasionally; sometimes I haven't; there has been sometimes I haven't, but again I would; I would see her at Fort Gibson and Big Creek.
Q What names has she ever gone by, Mr. Still, to your knowledge other than Martha Thompson? A None as I know of, except Martha Thompson and Martha Phillips is the only change that I know of.
Q You have never known or heard of her having been married to one Sandy Jones? A Never have.
Q Did she ever state to you that she was ever married to anyone by the name of Sandy Jones? A No, sir, never did, not in her life.
Q Then you recognize her as being the identical person? A This is here, yes, sir. I know her good; I courted her and tried awful hard to marry her, and we growed up together.

By Mr. Bell:
Q Where did you first see Martha Phillips? A Before the war.
Q When did you first see her? A My master had a place on Vian and her master had one near Webbers Falls, and me and Uncle Lewis went down there with the stock and there is where I first saw Martha. The next time I saw Martha she was then in Fort Scott and had gone there and so did I.
Q Where were you in 1866? A I was at one time two trips in the Cherokee Nation.

Q When was that? A What do you have reference to?
Q When were you in the Cherokee Nation in 1866? A In the Spring of 1866.
Q What did that include? A Sir?
Q May or June? A Yes, sir, in May.
Q Then where were you in June and July? A I was in Lawrence, Kansas, along about in July.
Q How long did you stay in July? A I perhaps stayed there two months.
Q Wasn't you there in November and December? A No, sir.
Q You are certain? A You bet, I am positive.
Q Where did you live at before the war, where was your home? A Before the war?
Q Yes, sir. A Gowagmake.
Q Whereabouts? A On Barren Fork, George Whitmire's old place, not far from Dutch Mills, on the bank of the creek.
Q And this woman wouldn't have you? A No, sir.

By the Commission:
Q When did you first see Martha Phillips in the Cherokee Nation after the war? A In the winter of '66, about Christmas times.
Q Was she living here then? A She was with old man Cicero Smith's folks; I don't know whether she was living there or not.
Q How long did you know her to stay there after you first saw her?
A She didn't stay there a great while and went from there to Gibson to some of her kin folks.
Q Do you know whether or not she ever left the Cherokee Nation after that time? A No, sir, I am not positive about that.
Q How long did you know her to be in the Nation after youfirst got to see her in the Nation in 1866, did you keep up with her for any certain length of time? A NO, sir, I saw her a good while after that; that was the way the case stood. I saw her when she came back through there, then I got in some trouble and was scouting, myself, and didn't know what became of her.
Q Do you know whether or not she was here in the Spring or Summer of 1867? A Sometime I saw her in the Summer of 1866; am not positive.
Q Do you know whethershe was here in the fall of 1867? A No, sir, I don't.

By Mr. Bell:
Q Who did you say she belonged to? A I think Lewis Thompson.
Q Where did he live? A Not far from Webbers Falls.
Q Which side of the river? A South side, I think, our ranch was on the north.
Q What river? A Arkansas.

FRANKLIN ROSS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Franklin Ross.
Q How old are you? A 57.
Q What is your postoffice address? A Hayden.
Q You are an applicant for enrollment as a Cherokee freedman? A Yes sir.
Q Do you know the applicant in this case, Martha Phillips? A Yes, sir, I am acquainted with her.
Q Do you know any of her brothers or sisters or mother? A No, sir.

By Mr. McKee:
Q You are an authenticated citizen of the Cherokee Nation? A Yes, sir.
Q When did you first meet the applicant, Martha Phillips? A In '66, after Christmas, in January sometime, about the 18th.

Q Where at? A On Pryor's Creek, at Joe Walfe's. She was on her way to Gibson; she stopped there and I was made acquainted with her.
Q Have you seen her in the Cherokee Nation after that? A Yes, sir, I saw her after that, six or seven years after that.
Q Where? A At Gibson once after that.
Q Did you recognize her as being the same person that you met at Pryor's Creek in 1867? A Yes, sir.
Q Will you look around there and see if that lady is the same person? A Yes, sir, that is the same lady, only she is larger than she was then.
Q And you have seen her occasionally ever since in the Cherokee Nation? A Yes, sir, off and on.

By Mr. Bell:
Q Frank, tell where you seen her before 1880-81-82-83? At Fort Gibson the first time.
Q When did you see her at Fort Gibson before 1883? A At Fort Gibson along in 1870 sometime, in '71.
Q Did you ever see her anywhere from 1880 to 1883? A I seen her in 1883.
Q Where was she living then? A On Brushy Creek.
Q Close to Choteau? A Yes, sir.
Q Where was she living before she came there? A I don't know.
Q You don't know anything at all about her since 1866 or '7? in January, until you saw her at Brushy Creek? A I seen her at Fort Gibson.
Q When? A About '70.
Q What was she doing? A Staying with her people.
Q She wasn't married then? A Not to my knowing.
Q When did you first see her after she married? A After she moved on Brushy Creek.
Q About 1883? A Yes, sir.

MARTHA PHILLIPS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Martha Phillips.
Q How old are you? A I am 54 as near as I know.
Q You are the applicant in this case? A Yes, sir.

Commission: This is the person who is the applicant in this case and to whom the attention of the Cherokee Nation's witnesses and the applicant's witnesses have been called in this hearing, for identification.

Q Have you a brother by the name of James Smith? A Yes, sir, his owner was named Thompson.
Q How old is he? A Six or seven years younger than me.
Q Do you know anything about his return to the Cherokee Nation? A Yes, sir.
Q Is your mother living now? A Yes, sir.
Q What is her name? A Emily Vann.
Q She has applied to this Commission under the name of Emily Vann? A Yes, sir.
Q How old is she? A About 75 or '6; she was eight when the Cherokees came as emigrants.

Commission: Applicant's mother is identified on Cherokee Freedmen card D 171, and the Commission's records show that a decision, dated March 5, 1904, rejecting her application, was forwarded to the Department for review on March 24, 1904.

By Mr. McBee:

The applicant is called and put upon the stand in rebuttal of the testimony of Mrs. Runyan who testified in behalf of the Cherokee Nation on yesterday, May 15, 1904.

Q Were you ever acquainted with a lady who lived in Fort Scott at the time that you allege in your original statement in your application as having gone to Fort Scott, by the name of Mrs. Runyan?
A No, sir.
Q Or at any other time? A No, sir.
Q She testified on yesterday on behalf of the Cherokee Nation that she was acquainted with you and that her knowledge of you began in the year 1865, and that she knew you to have continuously resided at Fort Scott, Kansas, until 1875, or a period of ten years, is that statement correct? A No, sir.
Q She further stated that you had a child born to you during your stay in Fort Scott, at sometime during that period, is that correct?
A No, sir.
Q Did you ever at any time give birth to a child in the State of Kansas? A No, sir.
Q The Cherokee Nation has introduced a marriage license, purporting to have been issued to one Sandy Jones to marry one Martha Thompson of Fort Scott, Kansas, of date November 30, 1875, were you ever at any time in the history of your life married to one by the name of Sandy Jones? A No, sir.
Q Is it a fact that this license introduced by the Cherokee Nation is a license issued to one Sandy Jones for the purpose of marrying you?
A No, sir.
Q You are a married woman now? A Yes, sir.
Q Were you ever married to anyone other than your present husband?
A No, sir, I lived with a man, but never married to anyone but Charles Phillips. I lived like the Cherokees did.

By Mr. Bell:
Q Did you have a son named Charles? A Yes, sir.
Q What has become of him? A Charley Walker, he is in the penitentiary.
Q What was his father's name? A Billie Walker.
Q Did you ever live at Joplin at all? A No, sir.
Q Have you lived at Carthage at all? A No, sir, I have been there, but never lived there.
Q Did you ever live in Fort Scott? A Yes, sir, I worked out there.
Q What portion of Fort Scott did you live in? A I don't know what part; I worked out with the white people.
Q Did your mother live there? A Yes, sir.
Q You lived with her when you were not working out? A Yes, sir.
Q You never lived in Carthage at all? A No, sir.
Q How long did you stay there? A I don't know; I went there and worked out a while before I was married.
Q You never saw Charley Phillips there? A I don't know as I did; the first time I saw him I saw him here.
Q Are you and he married now? A Yes, sir.
Q How long since you married? A We have been married two or three times.
Q You are fixing it up good? A Yes, sir.

By the Commission:
Q Mrs. Phillips, give the names of the members of your mother's family who lived in Fort Scott while you were up there? A James and Joe, Willie and myself.
Q You all went by the name of Thompson? A Yes, sir, that was our owner's name.

Q When you left there, as you say in 1866, who did you leave of the family there in Fort Scott? A Just my mother and Joe; he is now dead.
Q Who of the members returned with you at that time? A No one with me at that time.
Q Do you know how long your mother continued to reside at Fort Scott after you left? A No, sir, not exactly, but she was insane and couldn't return; she was sent to the asylum.
Q At what place? A Osawatomie, Kansas.
Q Your brother James, whom you have just mentioned, is he now known as Thompson? A Smith he goes by, but he was known by Thompson.
Q How old is he now? A Six or seven years younger than I am.
Q Where does he live? A He lives here, I guess, he is working here; I saw him yesterday; his home is in Fort Gibson.
Q Do you know anything as to the date of the return of your brother James Smith to the Cherokee Nation after the war? A I don't know the exact date, but he come in the spring before I did;
Q Who did he come with? A I forget; seems like it was Jim Kidd; he come in a wagon; he was a small boy.
Q Do you know whether they come to the Cherokee Nation? A They came to the Cherokee Nation to my Uncle Stephen Smith's.

By Mr. Bell:
Q Was you here yesterday? A Yes, sir, I wasn't in town; I was to my daughter's.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause at the place and dates mentioned, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 25th day of June, 1904.

Charles H Sawyer

Notary Public.

Cher Fr D 882

Cher Fr D 882

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5,1901.

In the matter of the application of Charles C. Smith for the enrollment of his wife and six children as Cherokee Freedmen, and for the enrollment of himself as a Cherokee Freedman by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Smith, of Mellette & Smith, for applicant;
T.M.Hastings, for Cherokee Nation.

Q What is your name? A Charles C. Smith.
Q What is your age? A 5[illegible].
Q What is your post-office address? A Elliott, I. T.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A I apply to be enrolled as an adopted citizen.
Q Citizen by intermarriage? A Yes sir.
Q For whom do you apply besides yourself? A My wife and children.
Q How many children? A I have got ten children altogether, but there's some of them will enroll themselves.
Q Well, how many have you got under age? A Six, I believe.
Q What is your wife's name? A Jane Smith.
Q How old is she? A I don't know her age exactly, but somewheres about 40 or 6, most of her knowledge.
Q Is she a recognized citizen of the Cherokee Nation? A I can't say exactly to whether she is or not; she was admitted at one time to the admitted roll, but after that I understood that she had been erased by some means or other, I don't know what.
Q Does her name appear upon any of the rolls? A Yes sir, she appears on the Wallace roll and the Kern-Clifton roll.
Q Give me the names of your children, those that are under age?
A Chester Smith.
Q How old is Chester? A 19.
Q Next child? A Frank Smith.
Q How old is Frank? A 17.
Q Next one? A Bertha Smith.
Q How old is Bertha? A 15.
Q Next one? A Catherine.
Q How old is Catherine? A 12.
Q Next one? A Curtis.
Q How old is Curtis? A Eight.
Q Well? A Next one is Melvale.
Q How old is Melvale? A Five.
Q Are these children all living at this time? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 147 #3627 Jane Smith, Cooweescoowee District;
page 147 #3630 Chester Smith, Cooweescoowee District;
page 147 #3631 Frank Smith, Cooweescoowee District;
page 147 #3632 Bertha Smith, Cooweescoowee District;
page 147 #3633 Catherine Smith, Cooweescoowee District.

Q Did you draw for Curtis? A No sir.
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for child, Curtis, and name not found.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 138 #2894 Jane Smith, Cooweescoowee District;
page 138 #2900 Chester Smith, Cooweescoowee District.

Wallace roll examined for Frank Smith and name not found;
1896 census roll of citizens of the Cherokee Nation examined and applicants not found thereon;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Examined by Attorney Smith:
Q Mr. Smith, what was your wife's name before you married her?
A Her name was Jane Dannenberg.
Q How long have you and your wife been married? A We have been married thirty-one years I believe, to the best of my knowledge this last April past.
Q Have you been living together all the time since you were married? A Yes sir.
Q These children whose names you have mentioned, have they been born to you and your wife while you have been married? A Yes sir.
Q Have you any other children other than those six whose names you have given? A Yes sir.
Q What are their names? A The oldest one living is named Pearl Smith.
Q Is she married or single? A No sir, it is a boy, yes sir, he is married, he is here on the ground.
Q What is the next one? A Next one is Cora, she is married.
Q What is her name now? A She is named Cora Lewis.
Q What is the next one? A Matilda.
Q Married or single? A She is single, lives with me.
Q Next one? A Oldest child I have is Elnora, she is single and lives with me.
Q Ever been married? A No sir.
Q Where do you live? A I live in the neighborhood of Hickory Creek, Cherokee Nation.
Q How long have you lived there? A I have lived there and in the vicinity around about there, that is from there to California Creek, for about 26 or 7 years, I judge, something like that. Maybe more, or maybe little less. Somewhere along in there though, I have been living in that neighborhood, about 27 to the best of my knowledge, I believe, or 8.
Q What did you say your wife's name was before you married her?
A Jane Dannenberg.
Q Did she have any sisters or brothers? A She had one sister, and one brother.
Q What was her sister's name? A Emily Dannenberg.
Q Who did she marry? A She married a man named John J. Rose.
Q Is she the woman who was on the stand just before you came on? A Yes sir.
Q Has your wife any brothers? A Yes sir, one
Q What is his name? A James Colbert.
Q How long had you been acquainted with her your wife, when you married her? A I had been acquainted with her about three months, I judge as near as I can guess, maybe not quite so long.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation, that is, continuously, I have lived in the Cherokee Nation since '73, I believe, made it my constant home since that time.
Q Where did you marry your wife? A I first married my wife in the state of Kansas.
Q Did you marry her more than once? A Well not exactly married her, I got a license.
Q Did you get a license to marry your wife in the Cherokee Nation?
A Yes sir.
Q In what district? A Cooweescoowee District.
Q Did you marry your wife then in pursuance of that license?
A Yes sir.
Q Whereabouts? A Did I marry her you mean--

Q In accordance with that license you got in Coowweescoowee District?
A I never had the ceremony performed, I only got the license, and on inquiry, I went to get the preacher to marry me, and on inquiry,-
Cherokee Representative W.W.Hastings: I see what he is going to state what the preacher or somebody else told him--
Applicant: I am going to state what I know to be the fact.
Com'r Needles: State it.
Applicant resuming answer:- I went to get married, and when the preacher inquired for my license they were lost; I had lost my license and of course, consequently I couldn't obtain a license, that was the reason I wasn't married under this license I bought, but after that time I went to the clerk I think and made a statement that my license were lost, and asked for re-copy so as to perform the ceremony, and he didn't give them to me, refused to give them to me, and after it- allowed it made no difference, it was on the book and that satisfied the law; that's what Mr. Lipe told me, that that satisfied the law, and I had bought them and paid for them, and as I were already married that it wasn't necessary and there was no law to compel a man to marry over again.
Cherokee Rep've Hastings,W.W.: I object, I am going to have this objection; I must not be run over that way; when I object it is courteous for attorneys to wait. Comes now the Representatives of the Cherokee Nation and moves that that much of the witness's testimony relating to what Mr. Lipe told him be stricken from the record, as it is partly hearsay.
Attorney Smith: I will state in that connection that the only proof of the testimony would be of some other testimony that's all related and the testimony is with reference to an instrument which he says is lost, and I think it is competent for us to state the facts in connection with it.
Com'r Needles: The objection is entered there.
Q By Smith: Did you get any paper from any of the Cherokee officials with regard to the recording of any marriage license issued to you? A Yes sir.
Q Is that the paper? (Hands paper to applicant) A Yes sir, that's the paper.
Attorney Smith: I would like to offer in evidence the paper.
(Hastings examines paper and hands it back to Smith.)
Smith: Applicant desires to offer an instrument under the seal of the Coowweescoowee District, signed by Joe F. Lahay, clerk of said district-
Cher. Rep've Hastings: If the court please, here is the point I want to object to; I don't want the contents of this paper stated, because if it is ruled out you have got the contents in; let him offer a sufficient amount to identify the paper, then the paper speaks for itself, but if he gives all that is in the paper, there is no need to introduce the paper, it is already in. He shows enough to identify the paper.
Com'r Needless: That's all that is necessary.
Smith: continuing, for the purpose of showing that a license which is stated by the witness to be lost, was issued by the Cherokee Nation, permitting said applicant to marry his wife according to the laws of the Cherokee Nation.
Cherokee Rep've W.W.Hastings: Come now the Representatives of the Cherokee Nation, and object to the above, as being an outrageous proceeding in the attempt to get a paper introduced into this record which does not show from the record or proof, but the attorney.
Second: The paper admitted to be introduced shows upon its face that it was simply an affidavit made before George T. Nave, on the 6th day of August, 1896, and affidavits have always been excluded from the testimony and the fact that an affidavit has been recorded in the clerk's office does not give it any more strength before the Commission.

Applicant. Mr. D.W.Lipe, give me that.
Smith: I don't consider anything an outrage which has been issued by any of the Cherokee officials and which bears the seal of the Cherokee Nation. We are trying to establish the fact of a lost paper, and the only other evidence in the world is in the possession of the opposite party; that in itself would make it admissable.
Com'r Needles: The policy of the Commission has been, and the rule of the Commission, has been not to permit affidavits of this kind nor of any other kind, but as far as the certificate on the back, I think the indorsement on the back could be admitted, but I don't think the affidavit can.
By Cherokee Rep've Hastings: I agree that what's on the back should be read to the clerk, and let the other be withdrawn.
Com'r Needles: Yes, that's right; paper is presented with the following indorsement:
Mr.Smith: "Recorded on page 241, Book E Records of Marriages Coweescoowee District, C.N., signed, Jno. L. Lahay, clerk Coweescoowee District, by R. Lee Comer, Deputy Clerk, and bearing the seal, Coweescoowee District, Cherokee Nation. Justice."
Applicant further examined by Attorney Smith:
Q Now, Mr. Smith, you wanted to make a statement, what was the statement? A The statement I want to make to Mr. Hastings is this: That I went to Mr. D.W.Lipe, and called his attention to the fact he recollect of issuing me a license-
By Hastings: Q Is Mr. Lipe alive? A Yes sir.
Q Living in Coweescoowee District? A Yes sir.
Q His post-office is Claremore? A Yes sir.
Mr. Hastings: I am going to object to the further statement Mr. Lipe should have made to him.
Mr. Smith: I think it is fair to let him state what he did.
Mr. Hastings: You haven't shown that this record is lost.
Com'r Needles: I don't think it is necessary to be so technical about this matter; all we want to get is the facts in the case. I think you had best produce the best testimony you can get; there is no trouble about getting Mr. Lipe here as a witness.
Attorney Smith: I will ask for a subpoena, because I don't think we could get him without one.
Com'r Needles: We will issue a subpoena to D.W.Lipe, to appear instanter.
Applicant examined by Attorney Smith:
Q You made some statement here about having been admitted with your family at some time, what did you mean by that? A I meant I went before the Cherokee National Council or Committee that sat for the Coweescoowee District.
Q When did you do that? A I think if my memory serves me right it was in '93 as well as I can recollect in the winter of 1893, just after Christmas, first part of 1893.
Q What was your statement about your names being put down and taken off? A I said I went before the National Council with evidence and was admitted by the Commission, and by some un known cause I don't know what, that I were, from then, that the names were erased by red ink acrossed them, after being accepted.
Q You say you have lived in the Cherokee Nation how long? A To the best of my recollection, it was been somewhere 27 or 8 years; somewhere along there, I don't know exactly, but somewhere along in that neighborhood, that is myself I have reference to my own.
Q I know; where is your wife now? A My wife is at home, Coweescoowee District.
Q Why isn't she here? A She was here on the ground and one of my children got very sick, and they sent for her and I both, to come forthwith, and I taken her home, and had to leave her there on account of the child.

Q On account of sickness in your family? A Yes sir.
Examined by Cherokee Representative, W.W.Hastings:
Q How far do you live from Nowata? A I live, let's see, 12 and 5 is 17 miles.
Q What direction? A North.
Q How far do you live from here? A It must be between 40 and 42 miles I judge, the way you have to go.
Q What is your oldest child's name? A Elnora Smith.
Q How old is she? A She was 30 I think this birth-day.
Q What is your next oldest child named? A My next oldest child was named Walter.
Q How old was Walter? A I think he was 28, if he had been living; he is dead.
Q What is the next one? A Pearl.
Q How old is she? A 26.
Q You didn't know your wife before the war? A No sir.
Q You first met her after the war? A Yes sir.
Q When ~~xxx first met~~ did you first see your wife? A I first see my wife alone about February I think, of '70, I think it was in the month of February, as well as I remember.
Q In what year did you marry her? A In '70.
Q Where did you marry her? A In Kansas.
Q Where was Charley born, your oldest son? A My oldest son was born on California Creek.
Q In the Cherokee Nation? A Yes sir.
Q Where was the next one born? A My next one was born on California Creek.
Q In the Cherokee Nation? A Yes sir.
Q Where were you? A I was there when they were born.
Q Where were you living? A On California Creek, Cherokee Nation.
Q How old was your oldest child? A 30 last birth day.
Q Elnora? A Yes sir.
Q Where was she born? A I am told she was born on Grand River, I wasn't here myself.
Q Where were you living at the time she was born? A I was in Topeka, Kansas.
Q Where did you move from when you moved here 27 years ago? A I come from Kansas here myself, and I come from Kansas when I married; I come from Kansas directly here then I went back to my work, again.
Q And you stayed up there about four years? A No sir, I did not stay, I stayed there about-often and on, I guess about a year and a half.
Q You said your oldest child was 30, and you were married in '70 and you said you come here 27 or 8 years ago? A Yes sir, somewheres along there.
Q How long after you were here the second time until you applied for this license, I mean after you moved down here? A I never applied for my marriage license here until '74.
Q Who was clerk then? A D.W.Lipe.
Q He issued it did he? A Yes sir.
Q Where was Mr. Lipe living then? A He was living near Dog Creek, somewheres down on Sweetwater, somewheres down there.
Q You had been here how long then? A I had been here nearly two years I think, myself, before I made any application for any--
Q Your wife lived with you up in Topeka? A No sir, she did not, only about, I think we married in April and I started down to the Territory, in the month of May sometime during ~~xxx~~ May, I recollect I got here on the first day of June.
Q Who was your wife living with up there when you married her? A She was working for a family named Gilletts.
Q Where was her mother? A Down here; at least I found her here when I come.
Q When you and your wife first located you come to California Creek did you? A No sir.
Q Where? A To Lightning Creek, where my mother-in-law lived.

Creek did you? A No sir.
Q Was she living on Lightning Creek then? A At that time, yes sir.
Q Was she in '73 or '4? A That was in '70 at that time when I first came here with my wife, it was in '70.
Q But your wife didn't go back with you? A No sir.
Q She never stayed up there in Kansas with you any? A No sir, she never stayedup there with me at all.
Q You were her husband all the time? A Yes sir.
Q Where did you live, first located ~~x xxxx~~ here, where did you have your home first? A I first located a home on California Creek.
Q When was that? A In '73.
Q You have ownedit since? A No sir, I sold it about ten or 12 years, 14 years, probably, I think maybe 15.
Q Where did you go then? A I went below there about three miles, and made me another place.
Q Do you live there now? A No sir, I own the place, my son lives there, I don,t live there myself, I live on Hickory Creek, about 10 miles above there, north.
Q You went before the council to be re-admitted? A Yes sir.
Q Who composed that Commission, that you went before? A Mr. Ed Sanders was the Chairman of the Commission,- now the other members I didn't know them.
Q Mr. Ed Sanders, Senator from this district? A Yes, I was acquainted with him.
Q That wasonly a committee of the Council? A It was a Commission, Court they called it for applications to be appear before them for citizenship, so I was informed.
Q They were members of the Cherokee Council? A Yes sir, they were members of the Cherokee Council at the time.
Q You were advised that this was a committee of the Council?
A I don't know that I was or that I wasn't.
Q You don't remember now all the rest of them? A No sir, I wasn't acquainted with any of them but Mr. Sanders.
Q You never got any paper showing that you was admitted to citizenship? A No sir.
Q No official paper? A No sir.
Q No official act of the council? A No sir.
Q Now do you claim that you have been living here continuously since '73? A Yes sir.

Examined by Attorney Smith:
Q You speak with reference to yourself, when you say since '73?
A Yes sir, I speak with reference to myself.
Q Where were you from? A I was formerly from Ohio to Kansas; born and raised in Ohio.

Attorney Smith: I think, if the court please, that the testimony taken in John J. Rose case, covers his case; but if after reading that I findit is necessary to introduce another witness I want to do that.

Cherokee Reporter Hastings: Examining applicant:
Q Were you ever married before? A No sir, I never was.

Com'r Needles: The applicant applies for himself, as a Cherokee Freedman;by intermarriage; and his wife as a Cherokee Freedman and he also applies for six children, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith; the name of his wife cannot be found upon the authenticated roll of 1880 or the census roll of 1890, but is duly identified upon the Kern-Clifton and the Dawes rolls; the names of his children are duly identified on the Kern-Clifton roll, except Curtis and Melvola; it will be necessary for him to file satisfactory proof of birth of said children, said names not appearing on any roll; they all make satisfactory proof as to residence; and consequently, Charles C. Smith will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, his wife, Jane, and the children as enumerated herein will

be listed for enrollment as Cherokee Freedmen on a doubtful card, in this connection reference is made to the testimony taken in the matter of the application of John J. Rose for the enrollment of himself and children, who were listed for enrollment on D card 474, the testimony taken in said case will be made a part of the record in this case at bar, and a copy of same will be filed with the application now being made; reference is also made to the testimony taken in the matter of the application of Emily Nolen for the enrollment of herself and child, which is duly listed for enrollment on Cherokee Freedman doubtful card 511, said testimony will be made part of the record in the case at bar; applicant will be notified of the decision of the Commission when arrived at.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 6,1901.

(Signed. T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5th,1901.

In the matter of the application of Charles Smith et al C.F.D# 514.

SUPPLEMENTAL TESTIMONY ON THE PART OF THE APPLICANTS.

W.W.Hastings, present for Cherokee Nation.
Mellette & Smith, present for applicant.

HAPPY STILL, called and sworn as a witness by Commissioner T.B. Needles, testified as follows for the applicants:

By Mr. Smith:

Q What is your name? A Harry Still.
Q Where do you live? A Hayden.
Q Do you know Jane Smith? A Yes sir.
Q Do you know Charles Smith? A Yes sir.
Q Do you know this Charles Smith who stands here? A Yes sir.
Q Who was Jane Smith before she married? A Tilda Dannenberg.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Dannenberg.
Q Was he a Cherokee Indian? A I dont know if he was intermarried or an Indian , he was Dick Dannenberg's father and Dick was an Indian.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q You testified in the John Rose case? A Yes sir.
Q Is the Jane Dannenberg that you referred to in that case the same Jane Dannenberg ~~that was~~ who is the wife of Charles Smith? A Yes sir.
Q When did you first see Jane Dannenberg in the Cherokee Nation? after the war? A I brought her here in '66.
Q Who else did you bring along? A Her mother and sister and brother.
Q What was her mother's name? A Tilda Dannenberg.

By Hastings:

Q How long did they live up there? A 5 or 6 years.
Q Right at that same place? A Yes sir.

Q I believe that you testified that you bought the place afterwards? A Yes sir.
Q What became of her? A She died after she left there.
Q You mean this man's wife? A No sir, her mother, his mother inlaw.
Q I mean his wife? A She is home sick.
Q Did she come in that crowd? A Yes sir.
Q How long did she live there? A 8 or 9 months and then went away and when she come back they was married.
Q She had a child then too? A I dont know if she did or not.
Q Eight or nine months is your best judgment as to how long she staid there? A No sir she was gone 8 or 9 months and then come back
Q With this man? A Yes sir.
Q That was 8 or 9 years after the war then? A No sir, that was in '70.
Q When did she go off that time for 8 or 9 months? A In 69 sometime.
Q Then she only staid there 3 years before she went away? A But her mother staid there all that time.
Q But I mean her? A She must have staid there 3 or 4 years up to the time that she went away and married.
Q Where has Smith been living since she came back with him? A Right in the Nation.
Q You are positive of that? A Yes sir.
Q Didnt she have a child when she came back that time? A I dont know if she did or not.

By Smith-

Q About how old was she when she came back after the war? A 16 or 17 years old.
Q And she lived there 3 or 4 years you think? A Yes sir.
Q How long did you say she hadbeen gone when she came back.
Q Some time in 69 or first of 70 she went away.
Q How long had she been away before you saw her again? A Not so very lon- when she came back with this man.

* * * * * *

Chas. von Weise, being sworn statesthat as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. vonWeise.

Subscribed and sworn to before me this the 8th of June, 1901, at Chelsea, I. T.

(signed) T.B. Needles,
Commissioner.

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SUPPLEMENTAL: in D-514.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 5, 1901.

In the matter of the application of Charles C. Smith, et al, for enrollment as Cherokee Freedmen, Charles S. Smith, being called and having been duly sworn before by Commissioner Needles, now being examined by Cherokee Representative, W.W. Hastings, states:

Appearances:

Smith, of Pettitte & Smith, for applicant;
Hastings, for Cherokee Nation.

Q What witness did you have in Delaware when you went down there and applied in 1898? A [illegible] Ed Sanders was Chairman of the Committee, the Commissioner, [illegible] had Mr. Richard Dannenberg, my wife's young master, he said [illegible] I dont know, and David French.
Q Were those the only [illegible] positive, probably George Vann, I dont [illegible] there were several present.

By Attorney Smith:

Q. Richard Dannenberg, you say? A. Yes sir.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 7,1901.

(signed)C.R.Breckinridge,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5,1901.

In the matter of the application of Emily Nolen for the enroll-
In the matter of the application of Emily Nolen for the enroll-
ment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Smith, of Mellette & Smith, for applicant;
W.V.Hastings, for Cherokee Nation.

Q What is your name? A Emily Nolen.
Q How old are you? A About 50, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Coweescoowee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I?
Q That 's all.

Examined by Attorney Smith:
Q What children do you want to apply for? A Jessie Rose.
Q Now the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie?
A Well, sir.

Examined by Commissioner Needles:
Q How old is Jessie? A Seven or eight, seven years old I guess.

Examined by Attorney Smith:
Q What is your name now? A Emily Nolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born ~~xxx~~ to you and John Rose wile you were living together? A All my children are his.
Q Give their names? A Charlie, Carrie, Willie, Mary, Geneva, Robert, Jimmie and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on Lightning Creek.
Q Is she married? A She has been married, but aint now.
Q Where is she living now? A She is living on Lightning.
Q Where does Mary live? A On Lightning.
Q Is she married? A Yes sir.
Q What is her name now? A Mary Blackburn.
Q Where does Will live? A He lives on California Creek, near ~~Ruby xxxxxxxxxxxxxxxx~~ Lenapah.
Q Where does Carrie live? A She lives on Salt Creek, close to Ruby post-office.
Q How far from Ruby? A About a mile and a half.
Q Is Carrie married? A Yes sir.
Q What is her name now? A Freeman. She married George Freeman.
Q Where does Charlie live? A He lives near Coffeyville in the Cherokee Nation, on the Verdigris.

Q You apply for yourself and Jessie do you? A Yes sir.
Q What was your name before you were married? A Before I married the first time?
Q Yes sir? A Dannenberg.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A I belonged to Dannenberg
Q Was he a Cherokee? A Yes sir.
Q Where did you live before the war? A In Flint, Cherokee Nation.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q When did you come back? A I come back in the fall of '66.
Q Who did you come back with? A I come back with my mother and brother and sister.
Q What was your sister's name? A Jane Smith it is now.
Q Anybody else with you? A Uncle Dave French.
Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?
A That I belonged to?
Q Your father's family, you mentioned your sister, Jane Smith?
A And my brother, James Colbert; there wasn't but three children.
Q Where did you come to when you come back? A Come to Lightning Creek.
Q How old are you, you say? A I am about 50 I guess.
Q You don't know your age? A No sir.
Q Can you remember how big you were when you came back to the Nation after the war? A I guess I was about 11 years old.
Q You don't know exactly? A No sir, I don't know my age.
Q You were not grown? A No sir, I wasn't grown.
Q Where does your sister, Jane Smith, live? A She lives on Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
Q What is her husband's name? A Charley Smith.
Q Where does James Colbert, your brother, live? A He lives near Bartlesville, in the Cherokee Nation.

Examined by Cherokee Representative, W.W.Hastings:

Q You say you belonged to Dannenberg? A Yes sir.
Q Where did you live before the war? A I lived in the Nation, down there close to Flint.
Q Close to Flint? A Yes sir, I don't know what.
Q ~~Did Dannenberg~~ You don't know what district? A No sir, I don't know.
Q Did Dannenberg have any children? A Yes sir.
Q What are the names of some of them? A His oldest girl was named Josephine and the oldest boy was named Henry
Q You were living with them at that time? A Yes sir
Q Who did your brothers and sisters belong to? A Same person.
Q All those you have mentioned belonged to the same person? A Yes sir
Q And he was living in Flint District? A I guess it was Flint District, but I remember it was near Flint.
Q About how big were you when the war came up? A I was quite small
Q You don't know, remember anything about the dates then? A I know the dates when I see them, but I can't remember no dates that far.
Q You were not married when you come back here then? A No sir.
Q When did you marry John Rose? A I don't know just when.
Q About how long after you come back here? A I guess about 4 or 5 year.
Q You never married him in Kansas then? A Yes sir, I married him in Kansas.
Q Then you married him before you come here? A I came down here and then I went back and I married him when I went back.
Q Where did you come to when you came down here the first time?
A I come to Lightning Creek.
Q Your father alive then? A I don't know anything about my father.

I never saw him.
Q What was your mother's name? A Tilda Dannenberg.
Q She come down with you then? A Yes sir.
Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Frances.
Q He was along? A Yes sir, and Harry Still.
Q He was along? A Yes sir.
Q How long did you stay down here when you come? A I went back I guess it was in the summer.
Q What time did you come down? A I come in the fall.
Q And you stayed here then until the next summer? A Yes sir.
Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September, and I come back.
Q Well, you said you married up there? A Yes sir, I married up there.
Q Didn't you state awhile ago it was about four years after you come down here until you married? A I meant it was four years from the time I come down here the first time.
Q That's what I meant? A Well I didn't stay up there no four years.
Q Well you come down here the first time, and you say you went back the following summer? A Yes sir.
Q Was it about four years when you first came down here after the war that you married Rose? A I come down here the first time with my mother and sister, and I stayed until along in the summer and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back that fall.
Q Was you ever married before? A No sir.
Q Was Rose ever married before? A Not as I knows of.
Q He was a state man? A Yes sir.
Q Who went back to Kansas with you? A A young man by the name of Reed Whitney.
Q Was he any relation to you? A No sir.
Q How did you two happen to go back together? A There was another girl went with us.
Q What place in Kansas did you go to? A We went back to Lawrence
Q You were married in Lawrence? A Yes sir.
Q What year were you married? A I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.
Q You can't tell the year you was married in but you could tell the fall you come back here? A Oh yes, I can tell that, because I heard so much talk about it.
Q You didn't hear so much talk about your marriage? A No sir.
Q What is your oldest child's name? A Charley Rose.
Q How old is Charley? A I guess he is about 29.
Q Where was Charley born? A He was born in the Nation.
Q Where? A He was born on Grand river.
Q Who were your neighbors then? A My aunts.
Q What was their names? A Aunt Mary Buffington.
Q You were living then over on Grand river? A No I just went down there on a visit.
Q How long had you been in the Nation then? A I don't remember.
Q Where was your next child born? A On California Creek.
Q What was his name? Next one to the oldest child was? A Carrie Freeman.
Q She was born on California Creek? A Yes sir.
Q How far down from Coffeyville? A About 15 miles.
Q What direction? A South.
Q Have you been living at that place ever since? A Right around in the neighborhood ever since.
Q Where was Carrie Freeman married? A She was married on Hickory Creek.

Q She ever live in Kansas? A No sir.
Q Did Charley ever go back to Kansas? A No sir.
Q Who did you and your mother live with the first fall after you came back here? A We stayed at Aunt Mariah Hayden's.
Q Did you live in the house with her? A Yes sir. We lived in the house with her awhile, and we had a little house.
Q Who was living with aunt Mariah Hayden? A Why this man Reed Whitney, and this Andy Rider, and her son.
Q That was in the fall of '66 was it? A Yes sir.
Q Where was your aunt Mariah Hayden living then? A Why close just close to where she is living now, I don't know just where the place is, I couldn't tell where, just where the place is now.
Q It was on the same place, but a different house? A Somewheres along there, I have never been there for a long time, and I don't know.
Q She had a house built did she? A I suppose she had I don't know.
Q You don't know whether they were living in a house or not? A Oh yes, I know they were living in a house, but I don't know how they got it.
Q You know how long they had been living there when you come? A No sir.
Q Had they raised a crop there, patch? A I guess they had a garden patch, but it has been so long I don't remember.
Q Was Mr. Hayden there? A I don't think he was at that time; you see I was small and then I can't remember very much noway.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:
page 146 No.3616 Emily Rose, Cooweescoowee District;
page 146, #3622 Jess Rose, Cooweescoowee District.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 137 #2859 Emma Rose, Cooweescoowee District.

Examined by Commissioner Needles:
Q What is your present husband's name? A Manuel Nolen.
Q What was Rose's name ? A John Rose.

Com'r Needles: Emily Nolen applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authentic tod roll of 1880 or the census roll of1890, but is duly identified upon the Kern-Clifton and the Wallace rolls, as Emily Rose, that having been her name by former marriage, and to one John Rose, from whom she is now divorced; she has since married one Manuel Nolen; by her first marriage to said John Rose she avers that she had one child, Jessie, and she is duly identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was formerly married as stated, to one John Rose, from whom she is now divorced; said John Rose was duly listed for enrollment as a Cherokee Freedman on doubtful card 474, the testimony in said case will be made part of the record in the case at bar, and copy of said testimony will be filed with the testimony now being taken; they make satisfactory proof as to residence, consequently, Emily Nolen, and her child, Jessie Rose, will be duly listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card; she will be notified of the decision of the Commission in her case when arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me (signed)M.D.Green
this June 4, 1901. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 1st, 1901.

In the matter of the application of John J. Rose for the enrollment of himself, as intermarried Cherokee Freedman; and two children as Cherokee Freedmen, he applying as intermarried; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellenna & Smith, for applicant.
Mr. L. P. Neff, for Cherokee Nation.

Q What is your name? A John J. Rose.
Q What is your age? A Thirty 30.
Q What is your post-office? A Leesburg, Indian Territory.
Q What district do you live in? A Goodwater District.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, as intermarried adopted.
Q Who do you want to enroll besides yourself? A 2 little boys Robert Rose.
Q How old is Robert? A About 10 years old.
Q What is the next child's name? A James Rose.
Q How old is James? A James is about 12.
Q Are you married? A No sir, I am a widower.
Q Your wife was living? A Yes sir, she is living; we was divorced.
Q What is the mother's name of these children? A She is married again.
Q Who has got these children? A I have got them in custody.
Examined by Attorney Smith:
Q What was your wife's name when you married her? A Emily Dennenberg.
Q Have you a witness where she was as to when she belonged?
A Yes sir.
Q Did you know her during the war yourself? A No sir.
Q You can't state from your personal knowledge who she belonged to? A No sir.
Q For whom she was during the war? A No sir. I never got acquainted with her until after the war.
Q When did you get acquainted with her? A In the fall of '66, near the close of the war.
Q Where was she? A At Lawrence, Kansas.
Q In '66? A Yes sir.
Q How long did you stay in Lawrence after that? A I lived in Lawrence about, let me see, about three years, I think it was '69 when I left there.
Q Did she leave Lawrence? A She left Lawrence in the fall of '66 the next year after the war closed.
Q Did she make any statement as to where she was raised? A She was coming to the Nation with her mother.
Q Where did you marry her? A I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the territory, under what law?
A Under the Cherokee law.
Q Have you got the marriage license? A I have not a marriage license.
(Produced marriage license.)

[illegible]

[illegible] Rice et al.

Deposition [illegible] at [illegible] of the [illegible], 28th of September 1900, [illegible] Dannenberg.

Examined by Attorney Smith:

Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir; I have been recognized, the right to vote.
Q Have you voted in the Cherokee elections? A Yes sir.
Q Have you ever had any [illegible] A I don't think I ever applied, yes I have, but I have no copies of them.
Q You have had permits [illegible] A Yes sir.
Q About when do you remember? A It has been 12 or 15 years ago. I never paid any attention to it.
Q Did you ever have any law-suits in the Cherokee courts? A [illegible] Yes sir.
Q Who with? A [illegible], Delaware citizen.
Q In what court? A Circuit court it was then, held at the [illegible], Cooweescoowee District.

Cherokee Rep's: [illegible] I object to the introduction of this evidence, for the reason that it is not the best; the records would be obtainable, or showing must be made that they are not obtainable.

[illegible]
BY ATTORNEY SMITH:
Q Tell me, Mr. Rice, where do you live now? A I live five miles north of [illegible], Cooweescoowee District, Cherokee Nation.
Q Are these two children, [illegible] living with you? A Yes sir, when I am at home they are.
Q Are these children on any of the rolls? A Yes sir.
Q Robert and James, what rolls? A They are both on the [illegible] and Citizen roll, and I think one of them is on the [illegible] roll; I am not positive.
Q How old is Robert? A 17, going on 18.

Dawes-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified:
page 146, #3619 Robert Rice, Cooweescoowee District.
page 146 #3621 Jim Rice, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant [illegible] identified thereon.
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
Dawes-Clifton roll of citizens of the Cherokee Nation examined and applicant's [illegible] identified as follows:
page 146, #3610 [illegible], Cooweescoowee District.

Examined by Cherokee Representative, [illegible]:
Q You don't claim anything but intermarried rights? A And the right to enroll these two children.
Q When did you marry [illegible]? A [illegible] I think it was in 1869, along in June.
[illegible]

[illegible]

John T. Ross et al v

[illegible]

[illegible]

Larry Still, being sworn by Gen'l Maxey, as a witness for the applicant, testified as follows:

Direct Faith:

Q What is your name? A Larry Still.
Q What is your post-office address? A Vaydes.
Q How long have you lived in the Cherokee Nation? A About 54 years.
Q How old are you? A About 54 years old.
Q Did you know Rose or a woman who was the wife of John T. Ross? A Yes sir.
Q What was her maiden name when she married Ross? A Dannenberg.
Q Was she a white? A Yes sir.
Q Who did she belong to? A Tilda Dannenberg.
Q Was he a Cherokee citizen? A Yes sir.
Q Where was Rose Dannenberg when the war broke out? A She was living with her mother then.
Q Where? A In Kansas.
Q In the Cherokee Nation? A Yes sir.
Q Do you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Did she come back after the war? A Yes sir.
Q When did she come back? A In the fall of '65 long about the last part.
Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
Q Where did you come to? A Came to Lightning Creek.
Q How old was Rose at that time? A Rose and Jane was both good sized girls - young ladies.
Q Who was their mother? A Tilda Dannenberg.
Q Where did they locate when they came? A Stopped at a place now known as Vaydes.
Q Are there any of this family here now? A She is living about 8 miles from Vaydes on what is known as the Jim Martin Settlement.
Q Where does John Ross live? A About six miles from Kanapah.
Q How long has he lived there? A The first time that I saw these people I can't exactly fix the date. It was on California Creek over 20 years more than that; must have been in 75 or 76.
By Bell:
Q Was this Tilda Dannenberg married? A No sir, she was a widow.
Q Where did she settle? A Near what is Vaydes now.
Q How long did she live there? A 6 or 8 years.
Q Did she have children with her? A Had all the time.
Q How long did she have them? A 2 or 3 years when she first came there.
Q I mean Rose. I am speaking of John T. Ross first? A That is the one she had with her all the time.
Q I am speaking of John T. Ross' wife? A Who do you mean?
Q When did you come back in this country? A The first time in '65.
Q Was it in '65? A Yes sir.
Q And then you came back to stay? A Yes sir.
Q Did you do the same? A I am entitled to all rights and was married in Vinita.
Q Are you the son of Reed? A I said I was a citizen of Delaware.
Q Who was Reed? A Reed Whitney, Jr. Kind [illegible]

[illegible]

[illegible] Page 4.

Q There do you live? A [illegible] Lightning Creek.
Q How long have you lived in the Cherokee Nation? A Year lived out of the Cherokee Nation.
Q Do you know John Rosal? A Yes sir.
Q How long have you known him? A I have known him about 30 years.
Q Do you know his wife Nancy? A Yes sir.
Q Who did she belong to before the war? A [illegible] and his family.
Q Were they Cherokee citizens? A Yes sir.
Q Where did they live? A I know not exactly if it was in Wild Cat neighborhood, 2 or 3 miles from the line.
Q How did she come by the name Rosal? A I don't remember a while but she was a small girl when she was adopted.
Q She was out in the Choctaw Nation when she was adopted? A Yes sir I mean so.
Q Where did you first see her after the war? A Her mother was at the old Harry Still place on Lightning Creek.
Q When did you first see her with her mother? A Sometime in the winter of 1868.
Q Did you know who she was with? A With her mother.
Q Did you come back to this country the same time Harry Still did or not? A No sir I came down some sooner though.
Q Do you know who brought this woman and those children to the Cherokee Nation? A No sir.
Q How long did you come here to see them or around there? A They were there 3 or 4 weeks) taken a claim there. It was cold weather, they got discouraged and gave it up.
Q Where did you next see them? A On Coweanock Creek. I was up there to the Choctaw Nation to see and see them.
Q Have you ever been to the same house all together? A No sir.
By Bell.
Q How far from the Harry Still place do you live? A That is about like a road from here to it is very.
Q Have you in mind that you was ever there and met the two people? A Yes sir.
Q How long did Mr. Rosal stay there with his mother? A I don't know when there I was there.
Q About how long? A 3 or 4 weeks.
Q Where did she go then? A I don't know where she went. My mind heard of them with that. He had a place up near Tahlequah. He never went to that place there. Don't know [illegible] it is.
Q Did you know that they made their up and down through? A Yes sir.
John Bunyan Allen [illegible] as a witness for the applicant.
By Mr. Shirley.
Q What is your name? A John Bunyan.
Q Where do you live? A On Lightning Creek.
Q What is your post-office? A Redbird.
Q How long have you lived there? A 60 years.
Q How long have you lived in the Cherokee Nation? A I was birthed here and raised here.
Q Do you know Nancy Rosal, who was the wife of John Rosal? A Yes sir I am right. I [illegible] with her.
Q Did you know her before the war? A Yes sir I saw her a time or two.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Mr. Bunyan.
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]

(8)

Q How far is it from where you say [illegible] to [illegible] A [illegible] miles north east.

By [illegible]:

Q You say you knew [illegible] before the war? A Yes sir I [illegible]

Q About what size was [illegible] when the war came up? A Small.

Q [illegible] 4 or 5 years old? A I dont know, I was small myself.

Q About what age was she? A Might have been [illegible] or [illegible] I dont know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On [illegible], this side of [illegible]ville.

Q How far from [illegible]ville did they live? A About 12 miles, on the military road right on [illegible], the [illegible] Buffington place is where I was raised.

Q How far was that from the [illegible] place? A It was a long ways.

Q How old are you Jack? A [illegible] as near as I can come.

Q What was you doing there at the [illegible] place at that time? A My master carried me up there.

Q When was that? A That was a long before the war came up.

Q Well how long before the war came up? A I cant tell exactly, it was not so long before the war came up though.

Q Who was your master? A At that time I belonged to [illegible]

Q [illegible] A [illegible] called him.

Q What was he doing there at the [illegible] place? A On business I guess.

Q Selling some of you? A [illegible] not [illegible], I dont know, I never was sold in my life.

Q How many days did it take you to go up there from where you lived? A 2 or 3 days [illegible]

Q How long did you stay there after you got there? A [illegible] days.

Q Can you tell about where they lived in Flint? A No sir I [illegible]

Q You got through with that visit and came back home and never saw her again until you saw her up here on [illegible]? A Saw her mother [illegible] Fort Scott.

Applicant re-called and examined by [illegible]

Q Where were you living in 1880? A On California Creek, near the [illegible] crossing.

Q Were you and [illegible] living together [illegible] man and wife? A [illegible]

Q Do you know why you [illegible] put on that roll? A At the time the census takers came round in the spring of '79, the census takers was Dick Duck and [illegible], they came to the house and my wife was absent and I gave in her name and [illegible] the rest of the family, there was an order from the Chief at the Executive office for all those who had not got their [illegible] to appear [illegible] at the [illegible] and give in their names, and in '78 I taken my [illegible] and went to [illegible] and [illegible] them in and [illegible] [illegible] Wallace made his roll [illegible] that I went to [illegible] and got [illegible] to [illegible] the office and [illegible] down and he did and the clerk there told him the District Clerk, [illegible] had never sent in any [illegible]

By [illegible]:

Q [illegible]

[illegible]

(6)

of his marriage to Ena Dannenberg according to the laws of the Cherokee Nation; the name of his wife is not found on the authenticated roll of 1880, but is identified on the Fern Clifton and Wallace rolls; the names of the two children above named are by his said wife Ena and are identified on the Fern Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said Emily Dannenberg, the wife of the said John J. Rose does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation protests the enrollment of these parties, the said John J. Rose will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

* * * * * * * * * *

Chas von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 6th of June, 1901, at Chelsea, I. T.

(signed) T. B. Needles,
Commissioner.

M. E. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M. E. Green

Subscribed and sworn to before me this November 19th, 1901.

COMMISSIONER.
Notary Public.

N 30882

DEPARTMENT OF
COMMISSION TO THE FIVE CIVILIZED TRIBES

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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 26, 1901.

In the matter of the application of Minora Smith for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Minora Smith.
Q What is your age? A 20 years.
Q What is your post-office? A Elliott, I.T.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll here as yourself? A No one.
Q Are you married? A No sir.
Q What is your father's name? A Charles C. Smith.
Q What is your mother's name? A Jane Smith.
Q Your father and mother citizens? A My mother is a citizen.
Q You claim citizenship under your mother? A Yes sir.
Q Your name on any of the rolls of the Cherokee Nation? A Yes sir
Q What rolls? A On the Wallace roll and the Kern-Clifton roll, and was on the admitted 280 roll, but for some cause I was red inked.
Q Has your mother applied? A Yes sir.
Q Her case has been developed? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 144 #2684 Minora Smith, Coweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 128 #2895 Minnie Smith, Coweescoowee District.

Q Where were you born? A In the Cherokee Nation.
Q Lived in the Cherokee Nation all your life? A Yes sir.
Q Ever been married? A No sir.
BY MR. HASKINS, Cherokee Representative:
Q What point in the Cherokee Nation were you born? A On Grand river
Q Near what point? A I don't know near what point.
Q How do you know your name was red inked? A Because my father got notice that they were red inked, and they didn't appear on the 280 roll.

Com'r Needles: Minora Smith applies for the enrollment of herself; she avers that she is a daughter of Charles C. and Jane Smith; she cannot be identified upon the authenticated roll of 1880, but is identified upon the Kern-Clifton and the Wallace rolls; according to page and number of the rolls as indicated in the testimony; she makes satisfactory proof as to residence; she claims citizenship through her mother, Jane, who was listed for enrollment on D card 2112, and the testimony taken in the matter of the enrollment of Jane Smith will be made a part of the record in the case at bar, and a copy thereof filed herewith; said Minora Smith will now be listed for enrollment as a Cherokee Freedman on a doubtful card, -she will be notified at her post-office address of the action of the Commission.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he has correctly recorded the testimony and proceedings in the case and, to the foregoing as to true and complete [illegible]

Subscribed and [illegible]

File with Elnora Smith , C. F. D. 882.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 23rd 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, C. F. D. 474.

APPEARANCES:
James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

PHILLIS GUNTER being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
By Davenport:
Q What is your name? A Phillis Gunter.
Q Where do you live? A In Goweesoowe Band, Goweesoowe distri t.
Q How old are you? A I just dont know my age exactly.
Q Do you know John J. Rose? A Yes sir, I know him.
Q Do you know Emily Nolan who was formerly the wife of John J. Rose? A Yes sir.
Q Where did you first get acquainted with them? A I was acquainted with their mother in slave times.
Q With their mother, whose mother do you mean? A Emily's mother.
Q What was her name? A Matilda Dannenburg.
Q Were John J. Rose and Emily Nolan any relation to each other? A Yes sir they got married.
Q Where did they get married? A In Kansas somewhere, I cant tell exactly the place.
Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.
Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread payment.
Q Do you know what year that was, what year the bread payment was made? A No sir.
Q Where was John and Emily living when you came back from Lawrence? A I left them up there.
Q Up where? A Lawrence Kansas and never seen them any more until they came here.
Q Did they have some children? A Yes sir.
Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.
(By Smith)
Q Are you a freedman? A Yes sir that is what I have been claiming.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q What rolls? A My case was taken up at Chelsea.
Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.
Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man name't Latty.
Q What was her name before she married? A Jane Starr.
Q What was her father's name? A I dont know.
Q Where did they live? A At the old home up in Flint and in Sequoyah
Q Near what town? A Not close to any town, lived out in the country, the closest town was Evansville.
Q Were you living there when the war commenced? A Yes sir.
Q Where did Emily's mother live? A With Mrs. Dannenburg.
Q How far from where you lived? A In the same district but it was further off north from me, I cant tell the distance exactly.
Q Was it 50 miles? A No sir, I dont think it was quite thatfar.
Q You didn't know Emily herself before the war? A Yes sir I knowed her.
Q I thought you said you knew her father—what was her mother's name? A Matilda Dannenburg.
Q Did you, or did you not know Emily before the war? A I think Emily

was born before the war, if she was she was a small child; I know I saw her in her mother's arms.
Q Was that before the war? A Yes sir.
Q Sure of that? A Yes sir.
Q When did you ever see her in her mother's arms before the war? A With her mother at the Dannenbung place.
Q How many times were you at the Dannenbung place? A I was hired out to his brother Nathan.
Q How far did the two Dannenbung brothers live apart? A I cant say exactly how far.
Q Can you give some idea as to how far? A I dont know exactly.
Q Did they live 450 miles apart? A Nathan lived in town and one lived in the country.
Q Was it 400 miles apart? A No sir it wasn't, I dont suppose it was over five miles, it wasn't five miles, it was both on 3 and 4 miles I guess.
Q When the war came up where did you go? A When the war came up for a little while when the war was going on I was with my owners at Parkhill a while and then came back to the old home place.
Q When did you go up to Kansas? A About the time of the close of the war, just about the time that Quantrell's raid was in Lawrence.
Q What place in Kansas did you go to? A Lawrence.
Q Where was this Matilda then, didn't you say you saw Matilda there? Q When I first went up in Lawrence?
Q Yes sir? A I didn't see her when I first went up there, we lived on the side of the river and they lived on the other, but I shortly afterwards saw her, I didn't see her for the first day or two after I got there.
Q You said a while ago that you saw Polly in her mother's arms you though before the war, how long before the war was it? A I cant say I dont know, I dont recollect that far back, I have told it as straight as I know.
Q You claim to have known this woman ever since she was a little baby, how when was she a little baby? A I cant say.
Q How big was she when the war came up? A Quite a little girl.
Q How many years old? A I dont know, never paid any attention, just seen them and knowed them, I dont know anything about the ages.
Q Was she three years old? A She might have been and might have been more.
Q Well, about how old? A I dont know.
Q You saw her and would know the difference between a girl three years old and one ten years old wouldn't you? A Yes sir I might.
Q You are in doubt about that are you? A Yes sir.
Q How old was Polly when you saw her at Lawrence? A Little child
Q How long did you live in Lawrence? A I dont know how many years, I staid there a good while.
Q You dont know if it was one year or two years or 22 years? A I know it wasn't 22.
Q Was it over two? A Yes sir I guess it was.
Q How much over? A I dont know.
Q Was you living there as much as five years? A I dont know if I did or not, I know I was there that is all I do know.
Q Dont you give some idea was you there as much as five years? A I dont know if I was there five years or over five years or under five years, I dont just exactly know the years or dates, I know I was there quite a while, I know I was there two or three years anyway.
Q You can be safe in saying that it was over two years, two or three years? A Yes sir.
Q You wouldn't swear positively that you were there as much as five years though? A No sir.
Q You will swear positively that you were there as much as two or three years? A Yes sir, I guess I was there that much.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF CIVILIZED TRIBES
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Q Who did you live with there in Lawrence? A With my husband.
Q Who was he? A Harry Gunter. Q Is he living or dead? A Dead.
Q When did he die? A A year and six months ago.
Q Since you came home? A Yes sir.
Q You dont know what year it was when you went to Lawrence? A No sir I dont know that, Gentlemen.
Q It was some time after you went up there before you saw this Matilda? A Yes Sir.
Q When you discovered her there how far was she living from you? A Just back of 2 or 3 miles, and when I lived right in town, she lived kinda in the country.
Q You lived in town? A I lived on the north side of the river, the river was betwixt us and town.

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This will be filed in the original application, that of John J. Rose, C. F. D-474 and also in Cherokee freedman doubtful cases, D-514; D-515; D-516; D-517; D-518; D-511; D-520; D-521; D-477; D-804; D-882; D-883 and R-132.

****

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 29th of October, 1901.

Tams Bixby

Commissioner.

"R"

File with Cherokee Freedman D-882, Elnora Smith.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the matter of the application of EMILY NOLEN for enrollment as a Freedman of the Cherokee Nation, D-511.

Appearances:
Mr. Mellette, of Mellette & Smith, Vinita, I. T., attorneys for the applicants;
Mr. J.S.Davenport, of attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A Martha Pack.
Q Where do you live? A Tahlequah.
Q How long have you lived in Tahlequah? A About 15 years.
Q Where did you live before you went to Tahlequah? A I lived in Saline District.
Q Do you know a colored woman by the nameof Emily Nolen now, that is, who goes by that name at present? A I know her, but I don't know her by that name.
Q What name do you know her by? A I know her by Emily Rose.
Q Where did you first get acquainted withher? A I got acquainted with her in Coffeyville, Kansas.
Q How long ago wasit that you got acquainted withher in Coffeyville Kansas? A Well it has been about 25 years, if not longer.
Q Where was she living at that time, if you know? A She was living in Coffeyville, Kansas.
Q Did youhave any conversation withher at that time, become quite well acquainted withher? A Yes sir, well acquainted withher.
Q Did she tell you anything about where she had lived prior to moving to Coffeyville? A No, but they came from upper Kansas there.
Q Came from somewhere else in Kansas? A Yes, up above.
Q You know where she is living now, or about what locality?
A I think she lives on Big Creek or somewhere up in there.
Q In the Cherokee Nation? A Yes sir.
Q Have you seen her since you saw her when she was living in Coffeyville, Kansas? A Oh yes sir, lots of times.
Q How long did she live in Coffeyville, Kansas, to your knowledge after you got acquainted withher,or about how long? A Well about two years I guess, I think.
Q You had never known her before the war had you? A No, never known her.
Q She claims to have been a Dannenberg, I believe, you never knew her untilafter she was living with John Rose? A She was living with John Rose.
Q Was John Rose living with her after you got acquainted withher in Kansas? A Yes sir. Theywere all living together, her mother, Charley's Smith's wife.
Q What was her mother's name? A Tilly Lacey.
Q What was her sister's name? A Jane Smith.
Q You know where Jane Smith is living now? A She lives on Hickory Creek.
Q That is in the Cherokee Nation? A Yes sir.

BY MR. MELLETTE:

Q What you say your name is? A Martha Pack.
Q How close is Coffeyville, Kansas to the line of the Cherokee Nation? A Why I don't know exactly how close the line is, it was 15 miles at the time where I lived to Coffeyville.
Q Where did she live? A She lived in Coffeyville then.

Q How do you know she did? A I worked there in Coffeyville,and was well acquainted withher .
Q How long did you work there? A Oh I worked there a year or two.
Q Which wasit? A About a year I guess.
Q She there all the time while you were there? A Yes sir.
Q Where did theylive? A They lived right in town.
Q Were they ever in the Cherokee Nation any? A No sir.
Q You say they never was over in the Cherokee Nation? A No, only when they went to church.
Q How do you know? A Because I lived near therm, I lived right there near, I didn't live with them, I was working right there, and was there every day.
Q How close did you live? A About a hundred yards.
Q You watched them all that year did you? A No, I didn't watch them, I was well acquainted with them.
Q When were you first asked about this matter as to what you remembered about it? A Why I know about them?
Q Yes. A Last summer.
Q Then you remembered back 25 years? A Oh yes sir.
Q And remember everything that the Nolens did 25 years ago? A No, I just know where they lived at, and was well acquainted with them.
Q You know they lived right there in Coffeyville? A Yes sir.
Q But you didn't watch them to know exactly where they went at different times? A Oh I know where they lived because I passed them
Q Don't you know they were away from there months at a time? A No sir, they was not away from there while I was there; they might have went away after that. I know the time they come in the Cherokee Nation and made a crop.
Q When was that? A I don't remember the year exactly, but it was the year that the grass-hoppers were just thick in the farms, that was the year that Joe Rose and Charley Smith came to the Cherokee nation and made a crop.
Q What year was that? A I don't remember, I couldn't tellyou that.
Q Hadn't they been farming down in the Cherokee Nation all the while? A No, that is the first year they went.
Q Where did they come from to Coffeyville? A They come from in above in Kansas.
Q How do you know? A They said they come fromabove there, I didn't know it.
Q How old are you? A I am about 43 or '4, along there.
Q Then how many years ago was it you saw these people in Coffeyville? A It has been about 25.
Q What makes you think it is 25 years? A Becaus my oldest child is 25 years old.
Q When was that child born? A I couldn't tell you what year that was, but she is 25.
Q Was she born while the Roses were living there in Coffeyville? A Yes sir.
Q How do you know that? A I know that.
Q You had a little baby to take care of didn't you? A ; No I come away from there, they had been living there quite a while.

BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-477, D 514, D 515, D 516, D 517, D 518, D 520, D 521, and D 804.

M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 28,1909.

Supl. [illegible] Freedmen. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March [illegible], [illegible].

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of [illegible] as a Cherokee Freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation, [illegible] the attorney for the [illegible] should be [illegible]

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q. Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I came back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I knew him.
Q Where did he belong before the war? A He belonged in Coin; Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 26 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright as all I knew in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson Place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you knew in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I knew.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thoughtwhere he lives, I have saw him ever since I have been here. I dont think I ever was at his house.

----oooOOOooo----

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

F. D. 218.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 25 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation.

(Ex. June 7th. Statement filed on the 26 of June. 1st July set, 1st Aug. set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of Book B, entitled, Q"citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during he war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1878. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs) Tahlequah,
Cherokee Nation.) July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

An a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August -- 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of hat number. The claimant was one of hem. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires whopiloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moses, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting hom es. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsly settled and bare of subsistance. As I was coming down the first time we were overtaken by the Horokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire)
vs) August 1, 1878.
Cherokee Nation.) Bluford Alberty, witness for claimant,
called and sworn.

I reside in Coowescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coowescoowee District,

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virdifris. While out there I fell in with a party of seven or eight persons who wer camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was somme time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves andfamilies. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name may any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Man, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1868 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heigs and the families of those ~~who had families all come as I did besides others not particularly~~ remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

his
Moses Whitmire.
mark.

Attest
D. L. Nicholson,
Clerk.

Case 63.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Na ion.)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Keige, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but Idd not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans. They were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know I owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs) July 4th 1872.
Cherokee Nation.)

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest: Wm. McCracken.
D. L. Nicholson, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire befera the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was scarce where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of Claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave Claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire in the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said of selecting their homes. Several claims were then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them and wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was resisted against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness in herding wild cattle. I travelled a good deal in that neighborhood at that time hunting.

"Continued on page 283."

Aaron Whitmire et al } July 18th 1878.
vs }
Cherokee Nation. } John Riley,
sworn as witness for Deft. I live in Cooweescoowee Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1865 to the Nation. I knew Aaron Whitmire. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Peter Heigs, Mike Sanders, Sam Webber, Riley Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Landrum. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I heard of some had come in Sept. '65 for that purpose. I saw there Aaron Whitmire lived at this time. I was here about the Fall in Decr. 1866. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I neither know of Eliphas Albright being in the part of the country in 1866 nor the part he came down in Sept. 1868. Aaron Whitmire was off along out like Sanders, Sam Webber, Colonel [illegible], Riley Foreman. Dennis was not along as I know of nor Aaron nor Taylor Wright nor Nelson Whitmire that I know of. If any such party had come from in Decr. 1866 I think certainly I would have known it.

Sworn to
John Riley.
Benjamin Riley. (page 283)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that rest of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Alberty.

Attest

D. L. Nicholson,
Clerk.

Aaron Whitmire)
vs) Tahlequah May 16, 1878.
Cherokee Nation.)

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 3rd day of June, 1902.

(SEAL) (Signed) P. G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was carried by me.

Arthur G. Evans

Subscribed and sworn to before me this 13th day of Aug., 1908.

Bruce C. Jones
Notary Public.

File with Cherokee Freedman ne

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 38 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.
Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I came with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No,sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:-
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes,sir, have just the same right; belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as eberywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken?
A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wyner.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

.....Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jee Ross C. F. D. 380.

Appearances:
T. M. Hastings for the Cherokee Nation.
Mellstead Smith for the applicants.

DOUGLAS WALKER being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.

(By Mr. Hastings)

Q. Have you been shown a card marked "Douglas Walker"?
Q. How old are you? A. 30.
Q. What is your post office? A. [illegible]

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Minna Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here, Joe Rees? A I know him as Joe Webber.
Q Is the the same fellow (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chloe? A Yes sir.
Q What relation was she to Joe Rees? A Sister.
Q Did you know Aaron Webber a little dark legged fellow? A Yes sir.
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to some named Jeff Hummings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Hummings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '65.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Rees, Chloe Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month, early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Rees was not used much.
Q When did you first become acquainted with the man Sam Webber? A In '65 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old homestead there.
Q When did your father buy that farm? A In the fall of '65, I have forgotten the exact day, the deed may be dated.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some came earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you know that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '65? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they stayed? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the elder Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in 1867? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Then Sam and the little boys I think worked too; Aaron did, I don't know but as Joe did too, I don't remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for His father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dates absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March 1867? A March 1867? Q '66? A No sir.
A Does that refresh your that that he brought those hides? A He left and came back some time in the spring of '67.
Q Was that the time that he left Kansas and when he returned first that you saw of him this time? A Yes sir, that was the one that came first.
Q Do you remember of Sam Webber selling you a dog in March? A I think.
Q Do you remember of Sam Webber [illegible]
Q Did Sam Webber [illegible] A [illegible]

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaed in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Hanson)

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. L. Rhodes,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 16th day of August, 1906.

Bruce L. Jones
Notary Public.

[illegible]

[illegible]

(By Stenographer) [illegible]

—o—

[illegible], being duly sworn and examined by Commissioner Brookbridge, testified as follows:

Q Give us your full name? A Henry L. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Bend City.
Q In the Shooting Range? A Yes Sir.

BY MR. [illegible]:

Q Now Mr. Short, had you lived in and about Bend City, [illegible]? A Will ever since the spring of 1897.
Q Did you your father's name? A John Short.
Q Was you living there in [illegible] 1900? A Yes sir.
Q Did you live at [illegible]? A Living in the country.
Q Do you know Stephens Miller, that left the [illegible]? A Yes sir.
Q Did you know a colored man by the name of [illegible] Yes sir.
Q Do you know that young man there, who was? A Yes sir.
Q Do you know his name? A Yes sir.
Q Did he [illegible] (Objection, to the question.) A I considered [illegible] he had been [illegible] a [illegible]. They always called him Jim; I don't remember about the being called Jim Bear by them.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by calling him [illegible] I was [illegible] he [illegible] that he was one of the boys.
Q Do you know Bryan Bohner, a [illegible] that lived [illegible]? A Yes sir.
Q Where did you live in the spring of 1900? A In Bend County, on his ranch, in Lassen.
Q Did you live at the same place in the fall of 1900? A Yes sir.
Q Did you live in the same house? A I lived in the same house and [illegible] I stood [illegible] in the fall of 1900.
Q Will you state what in the fall and you were here [illegible]? A Well one [illegible] the last of October or the first of November, I was [illegible] along about in the [illegible] I noticed, that by my house, [illegible] of a [illegible] I was [illegible], I noticed [illegible] the [illegible] part of the place to the east part of the place.
Q Do you know where the [illegible] was at that time? A Yes sir. [illegible] of that time in the fall of 1900 [illegible] on the place [illegible] the Shooting place, adjoining [illegible] of [illegible].
Q Was they living there then you stated? A Yes sir.
Q You did? A They were living there then.
Q I will ask you did it ever [illegible] to you that [illegible] [illegible] with their families and [illegible]? A [illegible] [illegible] of my [illegible], for I have had nothing to do [illegible] the [illegible] of [illegible] [illegible] [illegible] [illegible].
Q [illegible] of [illegible]? A [illegible] [illegible] [illegible]

[redacted]

Q [illegible] A [illegible] name.

Q How old are you? A If I live to the 21st of next month I will be 67 years old.

Q What is your post-office? A Bantey.

Q Is that in Kansas? A Yes sir.

BY MR. [illegible]:

Q How far do you live from Mount [illegible], Kansas, Mrs. Hicks? A I live six miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1857.

Q You were living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Rose? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Rose down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Rose don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.

Q What was the date of it? A The date of the death?

Q Yes, madam? A Well it was October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1844."? A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1866".?

A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died?

A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh, the old gentleman; he lived up there by me I think I do most positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died; I think before he died; there was an old lady, they called her old Aunt Webber, living.

Q She was living? A Yes sir.

Q She had a number of white family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the violence of your child? A Yes sir, she was up in the house at the time, and he it was a bad night and she was up in the house in the front room and she was with me.

Q Did you have a meeting of your neighbors there? A Yes sir.

Q Do I would like to have you tell the Court to the best old Sam Webber lived, and his residence, distance from that neighborhood? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.
BY MR. SMITH:
Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I want be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides to the community?
A No sir, I didn't charge my mind with anything like that.

Q Will you give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know that time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way
Q Where did you move from this place that you live? A Where did I move from.
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him than? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You won't be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined [illegible] by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 48 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A —
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSIONER: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
Q My best recollection is that it was in the spring of '65, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you [illegible] Mr. Hastings [illegible] coming to the [illegible] for [illegible] the [illegible] I think, or [illegible]

Q Fall of what year? A '66, and then come back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not, when they came after their c claims.
Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir. sometime alongin the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any track of his whereabouts
Q Now what makes you think it was in February of March '6? that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the weed on the corn.
Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring th. of, that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by them? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23,1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I dog, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, wha wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case:
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 369, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

given in Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Webb, be filed in case Cherokee Freedman D-330, of Joe Ross, and in Cherokee Freedman D-496, of Chiera Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as appears in his fro the stenographic notes of John G. Robson, by said Robson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. G. Starr,

Notary Public.

MEAN

To be filed with _____.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereoon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him there after that at his sister's? A I saw him there often and on for near about two years I guess.
Q Where? A There in Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months or a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around here.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never seen them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came here.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(Signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A R Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Prince C. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman, she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I don't know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Coweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1839? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine. Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 176, No. 2852, Alice Sanders, Coweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Cherokee roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 165, No. 2417, Alice Meigs, Coweescoowee district.

Q Did you know me by the name of Daniel? A Yes sir that was my master.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No., 40, Elizabeth Daniel.
NOTE: Wife of Peter Keiga.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon reads as follows:
Page 151, No. 2746, Elizabeth Keiga, Coowescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
Q What members of your family came down with you and your husband? A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all came here.
Q Was it [illegible] or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q You leaved your [illegible] out there on the Creek when you and your husband came down here? A No sir there weren't no [illegible] [illegible] you.
Q [illegible] A [illegible]
Q [illegible] down there [illegible] first came? A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now,
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q These that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q What house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down. I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lundy Riley was there on Verdigris, but not where we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Kerns Clifton court.
Q Any other court that you know of? A I know of the Wallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The Roll of Intermarried Whites of the Cherokee Nation examined and the name of the applicant appearing identified thereon as follows:
Page 170, No. 2657, Reuben Sanders, Coweescoowee district.

Q Have you ever been to carry the question of your citizenship before any court? A Yes sir.
Q Was it before the Chambers court?
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers court.

Q Where was it enrolled? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q At the time that Thompson Ochelilta was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Gooseneck Bend, at the time.
Q Do you know the applicant Elizabeth Heigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. F. Hastings:

Q Peter Heigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In '72 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A Not very long.
Q As much as a year? A May be so.
Q In your best judgment? A My best judgment is perhaps that long.
Q How long were you married to your present wife? A Upwards of 30 years.
Q How long did you live with your first wife? A Not very long, she died.
Q Was it as much as a year? A Maybe a little longer.
Q Was your present wife a Mount wife? A Yes sir.
Q Was she a Cherokee Nation? A Yes sir.
Q How did you come the first time? A Several were on horse-back, it is beyond my mind.
Q Did you make a trip in August and one in the Winter? A Yes sir.
Q Some of this family, Peter Heigs and other of these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Moss and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Joe Thurman, and Abe Hair, and I dont know who else, I dont know who all came.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come independent of the detachments yourself? A No sir.
Q Which one did you come in? A I came in August.
Q You didn't come in October, did? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the 6s the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs. Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we came down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
A [illegible] the Meigs family, Patsy Meigs, Elizabeth Meigs, Mary Meigs, George [illegible], Simon Meigs, Margaret Meigs, Terry Meigs, that is all that [illegible] number of that family.
Q [illegible] there were other families were there here? A Old man [illegible]
Q Who else? A [illegible]
Q [illegible] Webbers; I dont recollect [illegible] of them.
[illegible] pretend to [illegible] I dont [illegible] I can remember any of the others.

By Mr. [illegible]:

Q [illegible] home? A Yes sir.
Q [illegible] home? A Yes sir.

By W. W. [illegible]

Q Dont you remember any one else? A Rachel Webber.
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you came to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may have.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wash't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October?
A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family
Q You staid here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1856, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for saying this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford. and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.
Commissioner Needles: Hasn't that already been shown?
L. T. Brown: And that they have had a continuous residence in this country since that year.
Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.
Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '66.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth? A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out? A Betsy they called her.
Q Well was she living, Betsy, at the time the war broke out? A Yes sir.
Q Well, did you ever know her by any other name than Betsy? A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why, he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-401, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the ~~Five Civilized Tribes~~,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:
L. T. Brown, agent for applicants;
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
~~Q When did they return to the Cherokee Nation? A They came in '66.~~
Q With whom did they return? A They came with me and my father and the Weshers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Notary Public.

Supl.-C.F.D.#775

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and first cross-tie was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A [illegible]
Q How long have you lived in the Cherokee Nation.
A I was born and [illegible] during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of [illegible] about ten miles.
Q Do you know Sampson Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

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I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

[illegible]
Notary Public.

To be filed with C. R. D-[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 11, 1902.

In the matter of the application of Charles C. Smith et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-614.

Applicants represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings and J. S. Davenport.

The Cherokee Nation by its representatives makes satisfactory proof of service on the applicants' attorneys, Mellette & Smith, that it would on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Charles C. Smith et al to enrollment as Cherokee Freedmen.

The applicants and their attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Hattie Drake.
Q What is your age, Mrs. Drake? A 48 my next birthday.
Q Where do you live? A Lawrence, Kansas, Douglas County.
Q How long have you been living in Lawrence, Kansas? A Well, I was brought there when I was quite a little girl, and I lived there until after I was married, and then I went away and lived ten years, and then moved back to Lawrence and been there ever since, and that's been about seventeen years.
Q Well, where were you living when the war closed? A I was living in Lawrence, not in the city, in the country just a little piece from town.
Q Well, did you move into town after that, after the close of the war, immediately after the close of it? A No, sir.
Q You were living right in the edge of the town? A Yes, sir, you might say; I went to school in town.
Q Did you know a colored woman by the name of Matilda Dannenberg? A I knowed a colored woman by the name of—knowed of her—by the name of Matilda Colbert.
Q Well, did you know any of her children? A Yes, sir.
Q What were their names? A One was named Jane and one was named Emily.
Q Did they have a brother there by the name of Jim? A Yes, sir, there was a little boy they called him either Jim or James, it seems to me they called him Jimmy.
Q Where did you know these girls? A I went to school with them in North Lawrence.
Q Was that after the war closed? A Yes, sir, I am pretty certain it was. I know I moved when the war closed, and I went from [illegible]
Q It was after [illegible]
Q How long di[illegible] I couldn't tell just exactly [illegible] I can't say [illegible] I can't say [illegible] school a whole term in my [illegible] with Jane and Emily; I can't say [illegible]

Q And you knew of their mother? A Yes, sir, I knew of their mother.
Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.
Q You knew of her living there? A Heard of it, yes, sir, heard of her living there.
Q You went to school two different times with them? A Yes, sir.
Q Do you remember what years they were? A No, sir, I couldn't tell you.
Q Couldn't tell? A No, sir.
Q Do you know what become of these girls? A No, sir, I don't know what become of them, but I heard, I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.
Q Well do you know whether Emily was married there or not? A I didn't see her married, I heard that she was.
Q Where? A In Lawrence.
Q To whom? A A man by the name of— I heard her husband was named Rose, John, I believe, Rose.
Q You only heard of this like any other circumstance in the town? A Yes, sir, I didn't see them married and didn't know her husband.
Q Didn't know her husband? A No, sir.
Q Was Jane married when she left there? A If she was I never heard of it.
Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard; Never saw them in Topeka at all.
Q Never saw them? A No, sir.
COMMISSION: How old did you say you were? A I am 47 past, I will be 48 years old the first day of June.
Q Where do you live? A I live in Lawrence, Kansas, Douglas County.
Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.
Q When did you begin to know the children? A When I was going to school with them.
Q You don't know when that was? A I couldn't tell you that year, no, sir.
Q About how old were you, have you any idea? A Well, I was about 11 or 12, between 11 and 13 years old I will say; my mother didn't exactly know my age, but that's what she says that she was—
Q Sometime after the close of the war was it? A Yes, sir.
Q Well, now, how long did those people continue to reside in the same community where you were living? A After I got acquainted with them?
Q Yes. A Well, I couldn't tell you.
Q Were they living there when you came, or did they come afterwards? A I couldn't tell you that.
Q Haven't you any idea how long they continued to live there? A No, sir, I don't know how long they lived there.
Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember I met them at school.
Q That was after the close of the war was it? A Yes, sir.
Q Do you know where they came from? A No, sir.
Q How long did you continue to know them at that place? A Well I couldn't tell that exactly; I know I went to the different schools with Emily and [illegible] and I couldn't tell you just how long, I was quite a little [illegible]
Q Did you ever [illegible] that [illegible] while you were there? A [illegible]

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.
Q Have you seen them since they left that place? A No, sir.
Q Have you ever heard of any of them? A Yes, sir.
Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.
Q Where do you live, Mr. Jones? A In Topeka, Kansas.
Q How long have you lived in Topeka? A Ever since '66, February '66.
Q You went there after the close of the war? A After the close of the war, I was mustered out——
Q What part of the city did you locate in when you first went there?
A When I first went, just outside of the town, out on the prairie just outside of the town.
Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Dannenberg or Matilda?
A Tildy Colbert she was called when I first got acquainted with her.
Q Well, do you know whether or not this Tildy Colbert as you knew her had any family? A Well, yes, sir, she had three children.
Q What were their names if you know? A There was Emma and Jane and Jim.
Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
Q Do you know what her husband's name was? A John Rose.
Q Did you ever get acquainted with John Rose while they lived there?
A Yes, sir.
Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
Q Do you know to whom she was married? A Oh yes, sir.
Q What was her husband's name? A Charley Smith.
Q Now about what year, about how long had you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on——
Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. (Pointing across the street.)
Q What street did they live on then? A Crane street.
Q How far from you then did they live when they lived on Crane?
A Well, about as far as from here over to that building across the street.
Q About how far would you estimate that? A They was about half their lot.
Q About half a block? A About half their lot, just the length of 150 feet their lot was you know, and they was a little over half way from me.
Q Well, now, did this woman Matilda Colbert as you knew her, marry any more while you knew her? A Well, I can't tell you whether she

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.
Q Have you seen them since they left that place? A No, sir.
Q Have y. u ever heard of any of them? A Yes, sir.
Q Where were they living when you heard about them? A I heard that th y was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.
Q Where do you live, Mr. Jones? A In Topeka, Kansas.
Q How long have you lived in Topeka? A Ever since '66, February '66.
Q You went there after the close of the war? A After the close of the war, I was mustered out——
Q What part of the city did you locate in when you first went there? A When I first went, just outside of the town, out on the prairie just outside of the town.
Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Dannenburg or Matilda? A Tildy Colbert she was called when I first got acquainted with her.
Q Well, do you know whether or not this Tildy Colbert as you knew her had any family? A Well, yes, sir, she had three children.
Q What were their names if you know? A There was Emma and Jane and Jim.
Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
Q Do you know what her husband's name was? A John Rose.
Q Did you ever get acquainted with John Rose while they lived there? A Yes, sir.
Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
Q Do you know to whom she was married? A Oh yes, sir.
Q Who was her husband's name? A Charley Smith.
Q Now about what year, about how long had you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on——
Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. (Pointing across the street.)
Q What street did they live on then? A Crane street.
Q How far from you then did they live when they lived on Crane? A Well, about as far as from here over to that building across the street.
Q About how far would you estimate that? A They was about half their lot.
Q About half a block? A About half their lot, just the length of 150 feet their lot was you know, and they was a little over half way from me.
Q Well now, did this woman Matilda Colbert as you knew her, marry any more while you knew her? A Well, I can't tell you whether she

married or not, but it strikes me that she did.
Q Now Mr. Jones, how long after you got acquainted with Matilda Colbert and her children did they continue to live in Topeka or near Topeka? A Well, I suppose they lived there about six years, somewhere about that, after I got acquainted with them, five or six years as near as I can recollect.
Q Well now while the family lived there was you well acquainted with them? A Oh, I was, yes, sir.
Q About how often would you see them when they were living on Crane Street? A Every day.
Q Did they continue to make that their home? A Yes, sir, till they sold out to come down.
Q Do you know whether or not they owned their property there? A Yes, sir, she owned it.
Q Now this Jim you speak of, what name did he go by? A Jim Colbert.
Q And Jane had married Charley Smith while— A She was Jane Colbert when they first went there.
Q And Emily had married? A Married John Rose when they first come.
Q Well, now, do you know where they said they came from when they came to Topeka; where did they say they came from? A Lawrence.
Q Lawrence, Kansas? A Yes, sir.
Q Well, now, about what year did they leave or move away from Topeka, Mr. Jones? A I suppose in '73 or '4, I ain't positive just which, but somewhere along there.
Q They came to Topeka about what year? A They come there I suppose, just my idea is as well as I can recollect, in '68 or '9, I couldn't say positively, but '68 or '9.
Q Went away from there about '73 or '4? A Yes, sir.
Q Somewhere along there? A Somewhere there in that neighborhood, right close about that.
COMMISSION: You didn't learn to know these people until about two years after you came to Topeka, Kansas? A Well, somewhere about that, I couldn't say positively just exactly what time, but then somewhere in the neighborhood of two years I got acquainted.
Q It was approximately two years after you came to Topeka when you first learned to know them? A Yes, sir.
Q You went to Topeka in '66? A In '66.
Q You don't know where these people were in '66? A I don't.
Q Haven't any idea? A No, sir.
Q Well now how long did they continue to reside there at Topeka, Kansas; about how long? A Well, I suppose they staid there some five or six years.
Q Do you know where they went to then? A Well, yes, sir, they come down to the Territory.
Q To the Cherokee Nation? A Yes, sir.
Q Haven't they resided in Topeka since that time? A No, sir, not that I know of.
MR. DAVENPORT: The Cherokee Nation offers in evidence a certified copy of a marriage license of Joseph Lacy, of Topeka, Kansas, to Matilda Dannenberg, of Topeka, Kansas, dated February 6, A. D. 1866; also marriage license of William Rose, of Topeka, Kansas, to Matilda Lacy, of Topeka, Kansas, dated April 5, 1873: said documents being as follows:

State of Kansas,
County of Shawnee. } ss. Office of Probate Judge of said County.
Be it Remembered, that on the sixth day of February, A. D. 1866, there was issued from the office of said Probate Judge, a Marriage Li-

cense, of which the following is a true copy:

—:Marriage License:—

Shawnee County, State of Kansas, February 6, A. D. 1869.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in Marriage, Joseph Lacy of Topeka, aged 28 years and Matilda Heminburg, of Topeka, aged 30 and of this License you will make due return to my office within thirty days.

(Seal) Lewis Hanback, Probate Judge.

And which said Marriage License was afterwards, to wit:- on the 25th day of February, A. D. 1869, returned to said Probate Judge, with the following certificate endorsed thereon, to wit:

State of Kansas, County of Shawnee, SS.-

I, Thos. Wilson, Clergyman do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1869, at Topeka, in said County, join and unite in Marriage the within named Joseph Lacy and Matilda Heminburg.

Witness my hand and seal this day and year above written.

Thos. Wilson.

Attest:

Lewis Hanback,
Probate Judge.

State of Kansas, }
County of Shawnee. } Office of Probate Judge of said County.

Be it remembered, That on the fifth day of April, A. D. 1873, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

—:Marriage License:—

Topeka, Shawnee County, State of Kansas, April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 33 years and of this License you will make due return to my office within thirty days.

(Seal) D. C. Metzker, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 30th day of April, 1873, returned to said Probate Judge with the following Certificate endorsed thereon, to wit:

State of Kansas, Shawnee County, SS.-

I, Rev. E. S. Corn, do hereby certify that in accordance with the authorization of the within License, I did on the sixth day of April, A. D. 1873, at Topeka, in said County, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.

E. S. Corn,

Attest:

D. C. Metzker,
Probate Judge.

I, W. E. Parker, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the foregoing is a full, true and correct copy of the original Marriage License issued by the Probate Judge of this

countyto Joseph Lacy and Matilda Denimburg, the original marriage license issued by said Judge to William Rose and Matilda Lacy, and of the original returns endorsed on said licenses by the persons performing the marriage ceremony as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka, this 5th day of April, 1902.

F. E. Fagan, Probate Judge.

(Seal)

Also a certificate which is as follows:

Topeka, Kansas, April 8, 1902.

State of Kansas,)
Shawnee County.) ss,

I, F. L. Stephens, Reg. of Deeds of above named county and state, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, from F. L. Crane, on the 2d day of June, 1871, and further show that she disposed of lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, to One Lititia Freeman on the 18th day of June, 1874.

Witness my Hand and seal of office this 8th day of April, A. D. 1902.

F. L. Stephens,
(Seal and stamp) Reg. of Deeds Shawnee County, State of Kansas

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The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John J. Rose, of Douglas County, Kansas, to Emma Pollard, Douglas County, Kansas, dated June 28, 1867.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedman cases: D-474, D-611, D-589, D-618, D-661, D-604, D-477, D-516, D-517, D-515, D-882, D-883, and in the case at bar, D-614.

Arthur G. Gronniger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Arthur G. Gronniger)

Subscribed and sworn to before me this 14th day of April, 1906.

Phil S. Porter
Notary Public.

F. D. 391.

To be filed with F. D. 392.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee freedman.

Cherokee Nation appears by W. H. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A Yes sir.
Q Have you a file of the official paper including December, 28, 1866 up to and including March of 1867? A Yes, sir. (Here presents files.)
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford, of this city was found murdered. A colored man, named Eli Hackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Sigler streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday afternoon, the sack of flour which Mr. Hayford had bought, was left, outside the door of his store, was stolen. Being missed, immediately, and learning that Hackey had taken it, and was then on his way home with it, Hackey resides near Fort Scott Mills,) Mr. Hayford jumped on a horse and started towards the Mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the Mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

suspicion was at once directed to Hackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Hackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Andrews was called on to hold a coroner's inquest. A jury was empaneled, consisting of Wm. C. F. Drake, Joseph Ray, Frank Glover, Peter Villinger, Jos. Farden, and J. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Pendleton and W. H. Harlan made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body of the deceased, Mr. Hayford, when lying dead before them. One shot entered the region of the stomach, passed out over the liver, in the side of the back. This would leave evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart, one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been fatal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Mr. Hayford alone and coming toward the door: Eli Hackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in. Hayford came out and the flour was gone; he asked me if I was there when I came in, and I told him; asked me to get on my horse and follow him on, and he if he had the flour, did not ride very fast and overtook Hackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him, he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Hackey had the flour and was at mill; Hayford said he would go and get the flour, and asked me to go by Young; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Hackey at Hayford's he was on a horse, a sorrel, I think it was of; when I found him with the flour. Didn't notice that steer that time; whether Hackey had any arms on weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I knew that he generally carried a revolver; when I saw him with the flour he had nothing; whether he had one or not. When Hayford started after Hackey he said he would go and get Mr. Myers to go with him to get the flour from the place where I saw Hackey with the flour; the place where Hayford was shot is about one hundred yards. I heard three shots distinctly.

Harry Lawson, (colored) sworn - Saturday evening heard several shots fired. Was at home; lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door asked me if [illegible] said this me. He seemed to be in a hurry. He had [illegible] the shooting sounded as if it was [illegible] about the place where Hayford was found; [illegible] down to Mackey's [illegible] about fifteen minutes, before he [illegible] found. [illegible] which Mackey wore when he came to my house [illegible] his house afterward. - Do not know [illegible] or not, he usually carries one, have seen him [illegible] pistols. I did not notice any flour on his [illegible] revolver which Mackey usually carried. He [illegible] didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to [illegible] building. Mr. Jones found the sack of flour at the edge of the [illegible] looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday [illegible] before Hayford was killed.

E. C. [illegible] sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and knocked [illegible] I heard him and knew by his voice that it was Mr. [illegible] have known him several years. He left and my wife said he took [illegible] northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good [illegible] Mr. Mackey didn't come back and I went out and called him the [illegible] I then went over to Hayford's and learned that [illegible] had been stolen. Didn't notice whether Hayford was [illegible] house collar. Told me he saw Mackey on the [illegible] that Mackey heard me call, but wouldn't answer. [illegible] until Mr. Jones had arrested him, and brought [illegible] when I saw Mackey at Smith's he had on a soldier [illegible] coat; he had a revolver on him then; it was a big navy [illegible] saw him after he was arrested, I think he had [illegible]

Daniel [illegible] sworn - [illegible] I was at Kirby's and heard a shot fired, and [illegible] shot was fired [illegible] heard another shot and [illegible] in the direction toward the mill. [illegible] down the road. We found a [illegible] downward; he was alive but [illegible] it was a pistol that was [illegible] Deputy Marshal.

The co[illegible] inquisition, stating [illegible] shot wounds received at [illegible] that Mackey had feloniously [illegible] Hayford with intent [illegible]

[illegible] before Justice Hargrave, and will [illegible] April term of the [illegible] he was a very dangerous man; he [illegible] and is said to be part Chocktaw. He is [illegible] two men in the Nation, [illegible]

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran rapidly across the prairie, firing at his pursuers as he ran, and stopping down to load as fast as his weapos became empty. Finally, [illegible] dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even afterthey approached [illegible] spirit was not satisfied, and he fired the two [illegible] in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the [illegible] secured he was taken back to the house from which [illegible] hung by the neck until he was dead. Before his death he [illegible] implicate an innocent negro in the murder of Mr. Hayford, but [illegible] in the falsehood, he confessed to [illegible] he also confessed to having killed [illegible] also to having shot at Major Mefford last winter. [illegible] that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 23 men attempted to arrest Him but failed on account of his desperation. The colored people, who knew Him, were terribly afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always deprecated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found [illegible] nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The officers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a shadow of sadness that cannot soon be eradicated.

The body of Mr. Dee was brought into the city, and on Friday after a funeral sermon by Mr. [illegible] was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who murdered the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Mayford? A Yes, sir.

Q Had you known him before December, '66? A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the [illegible] yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Hadley.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice, from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty Minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, somtim in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for sir, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any, hardly in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford befre he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of 1887? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City Marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the main time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him?
A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably two miles from there after he got away, he was captured.
Q Do you know whether this man Hayford was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation that he was one, or maybe a Cherokee nigger.
CROSS-EXAMINATION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I know it was only a few days before Christmas when the killing was done.
Q 1887? A In 1887 the killing was done.
Q Few days before Christmas of 1887? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-316, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal) (Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans.

Subscribed and sworn to before me this 23rd day of July, 1902.

P G Reuter

Notary Public.

T. D-514.

To be filed with C. W. D. 882, Elmore Smith.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 22, 1902.

In the matter of the application of Charles C. Smith et al for enrollment as Cherokee Freedmen.

TESTIMONY IN BEHALF OF APPLICANTS.

SUPPLEMENTAL TO D-514.

APPEARANCES:
LEWIS T. BROWN, representing Mellette & Smith, for applicants.
T. M. HASTINGS, for Cherokee Nation.

SAM WEBBER, being first duly sworn, testified as follows:

MR. BROWN: State your name? A Sam Webber.
Q What's your age? A About 50 so whereas.
Q Your postoffice address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Charles C. Smith, the applicant? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q Do you know her mother? A Yes, sir.
Q What was her mother's name? A Her name was, we called her Aunt Tilda Dannenberg.
Q Do you know what her name was before she went by the name of Dannenberg? A That's the name I knowed her by.
Q Do you know what her second name was? A She went by the name of Tilda Lacey before she died.
Q Do you know when she returned to the Cherokee Nation after the close of the war? A I don't know just what month she returned; I know when I seen her.
Q Please state when it was? A Why I saw her along just about Christmas in '66.
Q Now Mr. Webber go ahead and state the circumstances of your seeing this woman at that time, and what, if anything, you done? A Why I went down to Lightning Creek, and I live about-did live about ten or fifteen miles from Lightning, and I went down there to see this Harry Still, and I heard she was there when them there, she had got a little claim, this claim that Harry Still bought from them afterwards, and she was there, her and her children.
Q Who else was there? A Why, see Harry Still and Mariah Hayden, and we used to call Aunt Mariah's daughter Puss then was all the name I knowed her by.
Q What's her name now? A I declare I never could give any name only Puss.
Q What's her husband's name? A Buckner.
Q George Buckner? A Yes, sir.
Q Anyone else there? A Why this Andy Rider was there, and this Smith's wife.
Q Charley Smith's wife? A Yes, sir, and her sister, and a little

boy we called Jim.
Q Do you know John Rose? A Yes, sir.
Q Do you know his wife? A Yes, sir,
Q Was she there? A Yes, sir, she was a girl then.
MR. HASTINGS: If Mariah Hayden testified before the Chambers Court in her application or set forth in her application before the Chambers Court that she never came here till '67 when she made application in '78, she was mistaken then was she?
MR. BROWN: Wait a minute; it is objected to for the reason that it is assuming a fact not proven.
COMMISSION: Objection will be noted; answer the question, Mr. Webber.
Witness: She must have been mistaken if she testified that.
MR. HASTINGS: When were you married? A I was married along after Christmas.
Q That year? A '67.
Q How long after Christmas? A Why it wasn't long after, not very long after.
Q What women came down with you in the fall of '66? In the fall of '66?
Q Yes, sir. Was there any women? A Yes, sir, let me see now, if I could tell you; there was a girl they called Celia Fox.
Q Anybody else? A And Dick Thurman's daughter, they called her Hannah.
Q Who else? A And then there was the Sanderses women, and the Neigsses women.
Q Well was Rube Sanders down here before? A Yes, sir, he was too, I know he was.
Q Well then you come as he come did you? A Yes, sir, and he come as I come.
Q All come along together? A All come along together.
Q And that was in the fall of '66? A Yes, sir, we come in the summer, and went back, and then come again, and come again in the fall.
Q You went back and come back in March of '67? A I went up there and married.
Q Well I will ask you if it is not a fact that not a single woman nor a single child come here and located north of the Frisco Road and east of the M. K. & T. in the winter of '66; did you have a house up here? A Yes, sir.
Were you living in your house? A I built a house in the summer when I come down here.
Q Was Aaron Wright living up there? A No, he wasn't living there; he come, well he come down and lived there after we moved there.
Q Well but was he living there on Lightning Creek near Mariah Whitmire when you went over there and when you saw this woman? A Oh, when I saw that woman he was living there.
Q He was living there was he? A He moved there in the spring; he lived on the place where Jim Martin lives now, just right in the neighborhood; and made a crop on the old farm there without any fence.
Q What spring was that? A In the fall of '67 he moved down to Lightning Creek.
Q But when did he move to the Cherokee Nation with his family? A Aaron Wright?
Q Yes, sir. A Why he come in the winter.
Q Well of what year? A Along in '67 when Aaron Wright come.

Q Well what time in '67? A In the Winter.
Q Well was it in the early winter or was it in December; was it January of '67 or was in December of '67? A I went back up there and married and then he come down here just after that and been there ever since.
Q Well when did Lewis Whitmire come? A Come with us.
Q Come along as you come did he? A Yes, sir.
Q Then you come as Lewis come? A Yes, sir.
Q Did you come as Rose Whitmire come? A Yes, sir, he was one of our crowd.
Q And Reuben Sanders come at the same time? A Yes, sir, he was one of our crowd.
Q Whenever they come you come? A Yes, sir.
Q I mean when they moved their families, is that the time your families came; that is your father's family? A Yes, sir, that's what I am talking about.
Q And it was after this that it at you saw this woman that you spoke of, this Dannenberg or Matilda Dannenberg, it was after that, was it? A That was before that, before I married, you know.
Q It was before you married? A Yes, sir.
Q That you saw her? A Yes, sir.
Q But it was after you had come down here? A Of course.
Q Well it was after these women had come down here? A Yes, sir.
Q And it was after Lewis Whitmire had come down with his family? A Yes, sir, Lewis had no family then.
Q Well it was after Rose had come with his family? A Yes, sir.
Q It was after your folks had come? A Father had no family only we boys.
Q Well it was after you had all come? A Yes, sir.
Q Marian Hayden was down here at that time? A Yes, sir, she was down there.
Q They were all down there, were they? A Yes, sir.
Q Do you belong to the Freedmen's Protective Association? A Yes, sir.
Q Are you one of the committee that's been around here for two or three months representing the Freedmen? A I stays here all the time.
Q I will ask you if you ain't a member of the committee down here representing them and looking after their interests? A I am here looking after all that I witness for.

MR. BROWN: Uncle Sam, you are on the roll of 1880? A Yes, sir.
Q Lewis Whitmire, Rose Whitmire, Aaron Whitmire, Reuben Sanders, are on the roll of 1880? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that the testimony introduced by the Cherokee Nation in the case of Ed Wright, the same being Freedmen Doubtful 218, as to the time of the return of the Whitmires, also the testimony of Aaron Webber, together with the testimony introduced by the Cherokee Nation in the case of Aaron Webber, being F. D. 216, be introduced and made a part of the record in this case. The Cherokee Nation also asks that the testimony of Reuben Sanders, as well as all of the testimony introduced by the Cherokee Nation in the case of Elizabeth Meigs, the same being

Freedman Doubtful 301, be introduced and made a part of the record in this case.

COMMISSION: The above testimony and proceedings will be filed in the following Freedmen cases: D-514, the same being the case at bar, that of Charles C. Smith; D-474, John J. Rose, D-511, Emily Nolen, D-515, Pearl Smith, D-516, Matilda Smith, D-802, Elmora Smith, D-803, Cora Morris; also in Cherokee Freedmen cases D-517, D-518, D-520, D-521 and D-804.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes her reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 3rd day of July, 1902.

(Seal)

(Signed) P. G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans.

Subscribed and sworn to before me this 26th day of July, 1902.

Bruce B. Jones

Notary Public.

Cher Fr D 883

Cher Fr D 883

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5,1901.

In the matter of the application of Charles C. Smith for the enrollment of his wife and six children as Cherokee Freedmen, and for the enrollment of himself as a Cherokee Freedman by intermarriage, being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Smith, of Mellette & Smith, for applicant;
W.W.Hastings, for Cherokee Nation.

Q What is your name? A Charles C. Smith.
Q What is your age? A 55.
Q What is your post-office address? A Elliott, I. T.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A I apply to be enrolled as an adopted citizen.
Q Citizen by intermarriage? A Yes sir.
Q For whom do you apply besides yourself? A My wife and children.
Q How many children? A I have got ten children altogether, but there's some of them will enroll themselves.
Q Well, how many have you got under age? A Six, I believe.
Q What is your wife's name? A Jane Smith.
Q How old is she? A I don't know her age exactly, but somewheres about 45 or 6, best of her knowledge.
Q Is she a recognized citizen of the Cherokee Nation? A I can't say exactly to whether she is or not; she was admitted at one time to the admitted roll, but after that I understood that she had been erased by some means or other, I don't know what.
Q Does her name appear upon any of the rolls? A Yes sir, she appears on the Wallace roll and the Kern-Clifton roll.
Q Give me the names of your children, those that are under age?
A Chester Smith.
Q How old is Chester? A 19.
Q Next child? A Frank Smith.
Q How old is Frank? A 17.
Q Next one? A Bertha Smith.
Q How old is Bertha? A 15.
Q Next one? A Catherine.
Q How old is Catherine? A 12.
Q Next one? A Curtis.
Q How old is Curtis? A Eight.
Q Well? A Next one is Melvola.
Q How old is Melvola? A Five.
Q Are these children all living at this time? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 147 #3627 Jane Smith, Cooweescoowee District;
page 147 #3630 Chester Smith, Cooweescoowee District;
page 147 #3631 Frank Smith, Cooweescoowee District;
page 147 #3632 Bertha Smith, Cooweescoowee District;
page 147 #3633 Catherine Smith, Cooweescoowee District.

Q Did you draw for Curtis? A No sir.
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for child, Curtis, and name not found.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 138 #2894 Jane Smith, Cooweescoowee District;
page 138 #2900 Chester Smith, Cooweescoowee District.

Wallace roll examined for Frank Smith and name not found; 1896 census roll of citizens of the Cherokee Nation examined and applicants not found thereon; 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Examined by Attorney Smith:

Q Mr. Smith, what was your wife's name before you married her? A Her name was Jane Dannenberg.
Q How long have you and your wife been married? A We have been married thirty-one years I believe, to the best of my knowledge this last April past.
Q Have you been living together all the time since you were married? A Yes sir.
Q These children whose names you have mentioned, have they been born to you and your wife while you have been married? A Yes sir.
Q Have you any other children other than those six whose names you have given? A Yes sir.
Q What are their names? A The oldest one living is named Pearl Smith.
Q Is she married or single? A No sir, it is a boy, yes sir, he is married, he is here on the ground.
Q What is the next one? A Next one is Cora, she is married.
Q What is her name now? A She is named Cora Harris.
Q What is the next one? A Matilda.
Q Married or single? A She is single, lives with me.
Q Next one? A Oldest child I have is Elnora, she is single and lives with me.
Q Ever been married? A No sir.
Q Where do you live? A I live in the neighborhood of Hickory Creek, Cherokee Nation.
Q How long have you lived there? A I have lived there and in the vicinity around about there, that is from there to California Creek, for about 26 or 7 years, I judge, something like that. Maybe more, or maybe little less. Somewhere along in there though, I have been living in that neighborhood, about 27 to the best of my knowledge, I believe, or 8.
Q What did you say your wife's name was before you married her? A Jane Dannenberg.
Q Did she have any sisters or brothers? A She had one sister, and one brother.
Q What was her sister's name? A Emily Dannenberg.
Q Who did she marry? A She married a man named John J. Rose.
Q Is she the woman who was on the stand just before you came on? A Yes sir.
Q Has your wife one brother? A Yes sir, one.
Q What is his name? A James Colbert.
Q How long has you been acquainted with her your wife, when you married her? A I had been acquainted with her about three months, I judge as near as I can guess, maybe not quite so long.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation, that is, continuously, I have lived in the Cherokee Nation since 1871, I believe, made it my continual home since that time.
Q Where did you marry your wife? A I first married my wife in the state of Kansas.
Q Did you marry her more than once? A Well not exactly married her, I got a license.
Q Did you get a license to marry your wife in the Cherokee Nation? A Yes sir.
Q In what District? A Cooweescoowee District.
Q Did you marry your wife under that license? A Yes sir.
Q Thereabouts? A [illegible]

Q In accordance with that license you got in Cooweescoowee District?
A I never had the ceremony performed; I only got the license, and on inquiry, I went to get the preacher to marry me, and on inquiry,-

Cherokee Representative W. W. Hastings: I see that he is going to state what the preacher or somebody else told him--

Applicant: I am going to state that I know to be the fact.

Com'r Meedles: State it.

Applicant resuming answer:- I went to get married, and when the preacher inquired for my license they were lost; I had lost my license and of course, consequently I couldn't obtain a license, the was the reason I wasn't married under this license I bought, but after that time I went to the clerk I think and made a statement that my license were lost, and asked for re-copy so as to perform the ceremony, and he didn't give them to me, refused to give them to me, and after it allowed it made no difference, it was on the book and that satisfied the law; that's what Mr. Lipe told me, that that satisfied the law, and I had bought them and paid for them, and as I were already married that it wasn't necessary and there was no law to compel a man to marry over again.

Cherokee Rep've Hastings, W. W.: I object, I am going to have this objection; I must not be run over that way; when I object it is courteous for attorneys to wait. Comes now the Representatives of the Cherokee Nation and moves that that much of the witness's testimony relating to what Mr. Lipe told him be stricken from the record, as it is partly hearsay.

Attorney Smith: I will state in that connection that the only proof of the testimony would be of some other testimony that's all related and the testimony is with reference to an instrument which he says is lost, and I think it is competent for us to state the facts in connection with it.

Com'r Meedles: The objection is entered there.

Q By Smith: Did you get any paper from any of the Cherokee officials with regard to the recording of any marriage license issued to you? A Yes sir.

Q Is that the paper? (Hands paper to applicant) A Yes sir, that's the paper.

Attorney Smith: I would like to offer in evidence the paper.

(Hastings examines paper and hands it back to Smith.)

Smith: Applicant desires to offer an instrument under the seal of the Cooweescoowee District, signed by Joe M. Lahey, clerk of said district.

Cherokee Rep've Hastings: If the court please, here is the point I want to object to; I donot want the contents of this paper stated, because if it is ruled out you have got the contents in; let him offer a sufficient amount to identify the paper, then the paper speaks for itself, but if he gives all that is in the paper, there is no need to introduce the paper, it is already in. He should simply identify the paper.

Com'r Meedles: That's all that is necessary.

Smith: continuing: for the purpose of showing that a license which is stated by the witness to be lost, was issued by the Cherokee Nation, permitting said applicant to marry his wife, acpording to the law of the Cherokee Nation.

Cherokee Rep've Hastings: Comes now the Representatives of the Cherokee Nation and object to the above, as being an outrageous proceeding in the attempt to get a paper introduced into this record which has not been from the record or proof, but the attorney.

Second: The paper admitted to be introduced shows upon its face that it was simply an affidavit made before George T. Have, on the [illegible] of August [illegible] and has always been excluded from the [illegible] Rule, that an affidavit has been recorded in the [illegible] that an affidavit has strength before the [illegible] not give it any more

Applicant. Mr. D.W.Lipe, give me that.
Smith: I don't consider anything an outrage which has been issued by any of the Cherokee officials and which bears the seal of the Cherokee Nation. We are trying to establish the fact of a lost paper, and the only other evidence in the world is in the possession of the opposite party; that in itself would make it admissable.
Com'r Needles: The policy of the Commission has been, and the rule of the Commission, has been not to permit affidavits of this kind nor of any other kind, but as far as the certificate on the back, I think the indorsement on the back could be admitted, but I don't think the affidavit can.
By Cherokee Rep've Hastings: I agree that what's on the back should be read to the clerk, and let the other be withdrawn.
Com'r Needles: Yes, that's right; paper is presented with the following indorsement:
Mr.Smith: "Recorded on page 241, Book E Records of Marriages Coowescoowee District, C.N., signed, J.L. Lynn, clerk Coowescoowee District, by R. Lee Comer, Deputy Clerk, and bearing the seal, Coowescoowee District, Cherokee Nation, Justice."
Applicant further examined by Attorney Smith:
Q Now, Mr. Smith, you wanted to make a statement, what was the statement? A The statement I came to make to Mr. Hastings is this: That I went to Mr. D.W.Lipe, and called his attention to and made him recollect of issuing me a license-
By Hastings: Q Is Mr. Lipe alive? A Yes sir.
Q Living in Coowescoowee District? A Yes sir.
Q His post-office is Tiger, is? A Yes sir.
Mr. Hastings: I am going to object to any further statement Mr. Lipe should have made to him.
Mr. Smith: I think it is fair to let him state what he did.
Mr. Hastings: You haven't shown that this record is lost.
Com'r Needles: I don't think it is necessary to be so technical about this matter; all we want to get is the facts in the case. I think you had best produce the best testimony you can get; there is no trouble about getting Mr. Lipe here as a witness.
Attorney Smith: I will ask for a subpoena, because I don't think we could get him without one.
Com'r Needles: We will issue a subpoena to D.W.Lipe, to appear instanta.
Applicant examined by Attorney Smith:
Q You made some statement here about having been admitted with your family at some time, what did you mean by that? A I meant I went before the Cherokee National Council or Committee that was for the Coowescoowee District.
Q When did you do that? A I think if my memory serves me right it was in 1893 as well as I can recollect in the winter of 1893, just after Christmas, first part of 1893.
Q What was your statement about your names being put down and taken off? A I said I went before the National Council with evidence and was admitted by the Committee, and by some unknown cause I don't know what, that I were fresh there that the names were erased by red ink across them after being entered.
Q You say you have [illegible] A To the best of my recollection [illegible] 27 or 8 years; somewhere along [illegible] somewhere along in [illegible] reference to my own.
Q I [illegible] Coowescoowee District [illegible] at home, Coowescoowee District.
Q Why isn't [illegible] the ground [illegible] children [illegible] forthwith, and [illegible] to be [illegible] in account of the children.

Q On account of sickness in your family? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q How far do you live from Nowata? A I live, let's see, 12 and 5 is 17 miles.

Q What direction? A North.

Q How far do you live from here? A It must be between 40 and 42 miles I judge, the way you have to go.

Q What is your oldest child's name? A Elnora Smith.

Q How old is she? A She was 30 I think this birth-day.

Q What is your next oldest child named? A My next oldest child was named Walter.

Q How old was Walter? A I think he was 28, if he had been living; he is dead.

Q What is the next one? A Pearl.

Q How old is she? A 26.

Q You didn't know your wife before the war? A No sir.

Q You first met her after the war? A Yes sir.

Q When ~~xxx first met~~ did you first see your wife? A I first see my wife along about February I think, of '70, I think it was in the month of February, as well as I remember.

Q In what year did you marry her? A In '70.

Q Where did you marry her? A In Kansas.

Q Where was Charley born, your oldest son? A My oldest son was born on California Creek.

Q In the Cherokee Nation? A Yes sir.

Q Where was the next one born? A My next one was born on California Creek.

Q In the Cherokee Nation? A Yes sir.

Q Where were you? A I was there when they were born.

Q Where were you living? A On California Creek, Cherokee Nation.

Q How old was your oldest child? A 30 last birth day.

Q Elnora? A Yes sir.

Q Where was she born? A I am told she was born on Grand River, I wasn't here myself.

Q Where were you living at the time she was born? A I was in Topeka, Kansas.

Q Where did you move from when you moved here 27 years ago? A I come from Kansas here myself, and I come from Kansas when I married; I come from Kansas directly here then I went back to my work, again.

Q And you stayed up there about four years? A No sir, I did not stay, I stayed there about often and on, I guess about a year and a half.

Q You said your oldest child was 30, and you were married in '70 and you said you come here 27 or 8 years ago? A Yes sir, somewheres along there.

Q How long after you were here the second time until you applied for this license, I mean the time you moved down here? A I never applied for my marriage license here until '72.

Q Who was clerk then? A Mr. Lipe.

Q He issued it did he? A Yes sir.

Q Where was Mr. Lipe living then? A He was living near Dog Creek, somewheres down on Sweetwater, somewheres down there.

Q You had been here how long then? A I had been here nearly two years I think, myself, before I made any application for any--

Q Your wife lived with you up in Topeka? A No sir, she did not, only about, I think we married in April and I started down to the Territory, in the month of May, sometime during the May, I recollect I got here on the first day of June.

Q Who was your wife living with up there when you married her? A She was working for a family named Gillette.

Q Where was her mother? A Down here; at least I found her here when I came.

Q When you and your wife first started you come to California Creek did you? A Yes sir.

Q Where? A He was living down there, where my mother-in-law lived.

Creek did you? A No sir.
Q Was she living on Lightning Creek then? A At that time, yes sir.
Q Was she in '73 or '4? A That was in '70 at that time when I first came here with my wife, it was in '70.
Q But your wife didn't go back with you? A No sir.
Q She never stayed up there in Kansas with you any? A No sir, she never stayedup there with me at all.
Q You were her husband all the time? A Yes sir.
Q Where did you live, first located ~~a home~~ here, where did you have your home first? A I first located a home on California Creek.
Q When was that? A In '73.
Q You have ownedit since? A No sir, I sold it about ten or 12 years, 14 years, probably, I think maybe 15.
Q Where did you go then? A I went below there about three miles, and made me another place.
Q Do you live there now? A No sir, I own the place, my son lives there, I don,t live there myself, I live on Hickory Creek, about 10 miles above there, north.
Q You went before the Council to be re-admitted? A Yes sir.
Q Who composed that Commission, that you went before? A Mr. Ed Sanders was the Chairman of the Commission,- now the other members I didn't know them.
Q Mr. Ed Sanders, Senator from this district? A Yes, I was acquainted with him.
Q That wasonly a committee of the Council? A It was a Commission. Court they called it for applications to be appear before them for citizenship, so I was informed.
Q They were members of the Cherokee Council? A Yes sir, they were members of the Cherokee Council at the time.
Q You were advised that this was a committee of the Council?
A I don't know that I was or that I wasn't.
Q You don't remember now all the rest of them? A No sir, I wasn't acquainted with any of them but Mr. Sanders.
Q You never got any paper showing that you was admitted to citizenship? A No sir.
Q No official paper? A No sir.
Q No official act of the council? A No sir.
Q How do you claim that you have been living here continuously since '73? A Yes sir.

Examined by Attorney Smith:

Q You speak with reference to yourself, when you say since '73?
A Yes sir, I speak with reference to myself.
Q Where were you from? A I was formerly from Ohio to Kansas; born and raised in Ohio.

Attorney Smith: I think, if the court please, that the testimony taken in John J. Rose case, covers his case; but if after reading that I findit is necessary to introduce another witness I want to do that.

Cherokee Nation Hearings: Examining applicant:

Q Were you ever married before? A No sir, I never was.

Com'r Needles: The applicant applies for himself, as a Cherokee Freedman by intermarriage; and his wife as a Cherokee Freedman and he also applies for six children, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith; the name of his wife cannot be found upon the authenticated roll of 1880 or the census roll of 1883, she is duly identified upon the Kern-Clifton and the Wallace rolls, the names of his children are duly identified on the Kern-Clifton roll, except Curtis and Melvola; it will be necessary for him to file satisfactory proof of birth of the children, their names not appearing on any roll; they also file satisfactory proof as to residence; and consequently Charles C. Smith will be allowed for enrollment as a Cherokee Freedman by intermarriage on a blue card, his wife, Ida, and her children as shown on the margin will

be listed for enrollment as Cherokee Freedmen on a doubtful card, -in this connection reference is made to the testimony taken in the matter of the application of John J. Rose for the enrollment of himself and children, who were listed for enrollment on D card 474, the testimony taken in said case will be made a part of the record in this case at bar, and a copy of same will be filed with the application now being made; reference is also made to the testimony taken in the matter of the application of Emily Nolen for the enrollment of herself and child, which is duly listed for enrollment on Cherokee Freedman doubtful card 311, said testimony will be made part of the record in the case at bar; applicant will be notified of the decision of the Commission when arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 6, 1901.

(Signed. T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5th, 1901.

In the matter of the application of Charles Smith et al C.F.D# 514.

SUPPLEMENTAL TESTIMONY ON THE PART OF THE APPLICANTS.

W.W.Hastings, present for Cherokee Nation.
Mellette & Smith, present for applicant:

HARRY STILL, called and sworn as a witness by Commissioner T.B. Needles, testified as follows for the applicants:

By Mr. Smith:

Q What is your name? A Harry Still.
Q Where do you live? A Hayden.
Q Do you know Jane Smith? A Yes sir.
Q Do you know Charles Smith? A Yes sir.
Q Do you know this Charles Smith who stands here? A Yes sir.
Q Who was Jane Smith before she married? A Tilda Dannenberg.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Dannenberg.
Q Was he a Cherokee Indian? A I dont know if he was intermarried or an Indian, he was Dick Dannenberg's father and Dick was an Indian.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q You testified in the John Rose case? A Yes sir.
Q Is the Jane Dannenberg that you referred to in that case the same Jane Dannenberg ~~that you~~ who is the wife of Charles Smith? A Yes sir.
Q When did you first see Jane Dannenberg in the Cherokee Nation? after the war? A I brought her here in 186[illegible]
Q Who else did you bring along? A Her mother and sister and brother.
Q What was her mother's name? A Tilda Dannenberg.

By Hastings:

Q How long did they [illegible] there? A 3 or 4 years.
Q Right at the same [illegible] A Yes sir.

Q I believe that you testified that you bought the place afterwards? A Yes sir.
Q What became of her? A She died after she left there.
Q You mean this man's wife? A No sir, her mother, his mother inlaw.
Q I mean his wife? A She is home sick.
Q Did she come in that crowd? A Yes sir.
Q How long did she live there? A 8 or 9 months and then went away and when she come back they was married.
Q She had a child then too? A I dont know if she did or not.
Q Eight or nine months is your best judgment as to how long she staid there? A No sir she was gone 8 or 9 months and then come back
Q With this man? A Yes sir.
Q That was 8 or 9 years after the war then? A No sir, that was in '70.
Q When did she go off that time for 8 or 9 months? A In 69 sometime.
Q Then she only staid there 3 years before she went away? A But her mother staid there all the time.
Q But I mean her? A She must have staid there 3 or 4 years up to the time that she went away and married.
Q Where has Smith been living since she came back with him? A Right in the Nation.
Q You are positive of that? A Yes sir.
Q Didn't she have a child when she came back that time? A I dont know if she did or not.

By Smith-

Q About how old was she when she came back after the war? A 16 or 17 years old.
Q And she lived there 3 or 4 years you think? A Yes sir.
Q How long did you say she hadbeen gone when she came back.
Q Some time in 69 or first of 70 she went away.
Q How long had she been away before you saw her again? A Not so very long when she came back with this man.

* * * * * *

Chas. von Weise, being sworn statesthat as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. vonWeise.

Subscribed and sworn to before me this the 8th of June, 1901, at Chelsea, I. T.

(signed) T.B. Needles,
Commissioner.

SUPPLEMENTAL: in D-616.

Department of the Interior,
Commission to the Five Civilized Tribes.
Chelsea, I. T. June 5, 1901.

In the matter of the application of Charles C. Smith, et al, for enrollment as Cherokee Freedmen, Charles C. Smith, being called and having been duly sworn before Commissioner Needles, now being examined by Chas. [illegible] representative, W. [illegible] Hastings, states:

Appearances:

Smith, [illegible] for applicant;
Hastings, for Cherokee [illegible]

Q What witness did you have [illegible] down there and applied in 1893, as [illegible] Chairman of the Committee on Commerce [illegible] Dunkenberg, by wife's young mother, [illegible] French.

Q Were those the only ones you [illegible] George Vann, I don't say positive George [illegible] oral design.

By Attorney Smith:

Q. Richard Dennenberg, you say? A. Yes sir.

C. D. Green being first duly sworn, states that he acted as stenographer to the Commission, in the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) W. D. Green.

Subscribed and sworn to before me this June 7, 1901.

(signed) C. R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5,1901.

In the matter of the application of Emily Nolen for the enroll-
In the matter of the application of Emily Nolen for the enroll-
ment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows.

Appearances:
Smith, of Mellette & Smith, for applicant;
W.W.Hastings, for Cherokee Nation.

Q What is your name? A Emily Nolen.
Q How old are you? A About 50, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I?
Q That 's all.

Examined by Attorney Smith:
Q What children do you want to apply for? A Jessie Rose.
Q Now the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie? A Well, sir.

Examined by Commissioner Needles:
Q How old is Jessie? A Seven or eight, seven years old I guess.

Examined by Attorney Smith:
Q What is your name now? A Emily Nolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born ~~xxx~~ to you and John Rose wile you were living together? A All my children are his.
Q Give their names? A Charlie, Carrie, Willie, Mary, Geneva, Robert, Jimmie and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on Lightning Creek.
Q Is she married? A She has been married, but aint now.
Q Where is she living now? A She is living on Lightning.
Q Where does Mary live? A On Lightning.
Q Is she married? A Yes sir.
Q What is her name now? A Mary Blackburn.
Q Where does Will live? A He lives on California Creek, near Ruby ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~
Q Where does Carrie live? A She lives on Salt Creek, close to Ruby post-office.
Q How far from Ruby? A About a mile and a half.
Q Is Carrie married? A Yes sir.
Q What is her name now? A [illegible] she married George Freeman.
Q Where does Charles live? A [illegible] near Gentryville in the Cherokee Nation, on the [illegible]

Q You apply for yourself and Jessie do you? A Yes sir.
Q What was your name before you were married? A Before I married the first time?
Q Yes sir? A Dannenberg.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A I belonged to Dannenberg
Q Was he a Cherokee? A Yes sir.
Q Where did you live before the war? A In Flint, Cherokee Nation.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q When did you come back? A I come back in the fall of '66.
Q Who did you come back with? A I come back with my mother and brother and sister.
Q What was your sister's name? A Jane Smith it is now.
Q Anybody else with you? A Uncle Dave French.
Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?
A That I belonged to?
Q Your father's family, you mentioned your sister, Jane Smith?
A And my brother, James Colbert, there wasn't but three children.
Q Where did you come to when you come back? A Come to Lightning Creek.

Q How old are you, you say? A I am about 50 I guess.
Q You don't know your age? A No sir.
Q Can you remember how big you were when you came back to the Nation after the war? A I guess I was about 11 years old.
Q You don't know exactly? A No sir, I don't know my age.
Q You were not grown? A No sir, I wasn't grown.
Q Where does your sister, Jane Smith, live? A She lives on Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
Q What is her husband's name? A Charley Smith.
Q Where does James Colbert, your brother, live? A He lives near Bartlesville, in the Cherokee Nation.

Examined by Cherokee Representative, W.W.Hastings:

Q You say you belonged to Dannenberg A Yes sir.
Q Where did you live before the war? A I lived in the Nation, down there close to Flint.
Q Close to Flint? A Yes sir, I donnt know what.
Q ~~Did Dannenberg~~ You don't know what district? A No si , I don't know.
Q Did Dannenberg have any children? A Yes sir.
Q What are the names of some of them? A His oldest girl was named Josephine and the oldest boy was named Henry.
Q You were living with them at that time? A Yes sir.
Q Who did your brothers and sisters belong to? A Same person.
Q All them you have mentioned belonged to the same person? A Yes sir.
Q And he was living in Flint District? A I guess it was Flint District, but I remember it was near Flint.
Q About how big were you when the war came up? A I was quite small
Q You don't know, remember anything about the dates then? A I know the dates when I see them, but I can't remember no dates that far.
Q You were not married when you came back here then? A No sir.
Q When did you marry John Cobb? A I don't know just when.
Q About how long after you came back here? A I guess about 4 or 5 year.
Q You never married him in Kansas then? A Yes sir, I married him in Kansas.
Q Then you married him before you came here? A I came down here and then I went back and I married him when I went back.
Q Where did you [illegible] the first time?
Q I come to [illegible]
Q [illegible]

I never saw him.
Q What was your mother's name? A Tilda Dannenberg.
Q She come down with you then? A Yes sir.
Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Francis.
Q He was along? A Yes sir, and Harry Still.
Q He was along? A Yes sir.
Q How long did you stay down here when you come? A I went back I guess it was in the summer.
Q That time did you come down? A I came in the fall.
Q And you stayed here then until the next summer? A Yes sir.
Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September, and I come back.
Q Well, you said you married up there? A Yes sir, I married up there.
Q Didn't you state awhile ago it was about four years after you come down here until you married? A I mean it was four years from the time I come down here the first time.
Q That's what I meant? A Well I didn't stay up there no four years.
Q Well you come down here the first time, and you say you went back the following summer? A Yes sir.
Q Was it about four years when you first came down here after the war that you married Rose? A I come down here the first time with my mother and sister, and I stayed until along in the summer, and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back here fall.
Q Was you ever married before? A No sir.
Q Was Rose ever married before? A Not as I know of.
Q He was a single man? A Yes sir.
Q You went back to Kansas with you? A A young man by the name of Rose Whitney.
Q What was his relation to you? A [illegible] sir.
Q Why did you two happen to go back together? A There was another girl went with us.
Q What place in Kansas did you go to? A We went back to Lawrence.
Q You were married in Lawrence? A Yes sir.
Q What year were you married? A I can't tell the dates, I was married, I don't tell how long I have been married and when I did marry.
Q You can't tell the year you was married in but you could tell the fall you came back here? A Oh yes, I can tell that, because I heard so much talk about it.
Q You didn't hear much talk about your marriage? A No sir.
Q What is your oldest living children's name? A Charley Rose.
Q How old is Charley? A I guess he is about 20.
Q There was Charley born? A He was born in the Nation.
Q Where? A He was born on Grand River.
Q Who were your neighbors then? A My uncle.
Q What was their name? A [illegible] Cuffington.
Q You were living then over [illegible] River? A No I just went down there on a visit.
Q How long had you been [illegible] A I don't remember.
Q Where was you [illegible] California Creek.
Q [illegible] was? A Harris Fre[illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]

Q She ever live in Kansas? A No sir.
Q Did Charley ever go back to Kansas? A No sir.
Q Who did you and your mother live with the first fall after you came back here? A We stayed at Aunt Mariah Hayden's.
Q Did you live in the house with her? A Yes sir. We lived in the house with her awhile, and we had a little house.
Q Who was living with aunt Mariah Hayden? A Why this man Read Whitney, and this Andy Rider, and her son.
Q That was in the fall of '56 was it? A Yes sir.
Q Where was your aunt Mariah Hayden living then? A Why close just close to where she is living now, I don't know just where the place is, I couldn't tell where, just where the place is now.
Q It was on the same place, but a different house? A Somewhere's along there, I have never been there for a long time, and I don't know.
Q She had a house built did she? A I suppose she had I don't know.
Q You don't know whether they were living in a house or not?
A Oh yes, I know they were living in a house, but I don't know how they got it.
Q You know how long they had been living there when you come?
A No sir.
Q Had they raised a crop there, patch? A I guess they had a garden patch, but it has been so long I don't remember.
Q Was Mr. Hayden there? A I don't think he was at that time; you see I was small and then I can't remember very much howey.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:
page 146 No.3616 Emily Rose, Cooweescoowee District;
page 146, #3622 Jesse Rose, Cooweescoowee District.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 137 #2839 Emma Rose, Cooweescoowee District.
Examined by Commissioner Needles:
Q What is your present husband's name? A Samuel Wolen.
Q What was Rose's name? A John Rose.

Comr Needles; Emily Wolen applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authentic tad roll of 1880 or the census roll of1890, but is duly identified upon the Kern-Clifton and the Wallace rolls as Emily Rose, that having been her name by former marriage, and to one John Rose, from whom she is now divorced; she has since married one Samuel Wolen; by her first marriage to said John Rose she bore four, but one child, Jessie, and she is duly identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was formerly married as stated, to one John Rose, from whom she is now divorced, said John Rose was duly listed for enrollment as a Cherokee freedman on citizen card 474, the testimony in said case will be made part of the record in the case at bar, and copy of said testimony will be filed with the testimony now being taken; there being satisfactory proof as to residence, consideration, Emily Wolen and her child Jessie Rose, will be duly listed for enrollment as Cherokee Freedman upon what is known as a citizen card; she will be notified of the decision of the Commission in her case when arrived at.

M.D.Green, being duly sworn, states that he is a stenographer to the Commission to the Five Civilized Tribes in the [illegible] recorded the [illegible] in the above and foregoing case and that the foregoing is a [illegible] transcript of the testimony taken in said case.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 1st, 1901.

In the matter of the application of John J. Rose for the enrollment of himself, as intermarried Cherokee Freedman; and two children as Cherokee Freedmen; he applying as intermarried; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant.
Mr. L. H. Bell, for Cherokee Nation.

Q What is your name? A John J. Rose.
Q What is your age? A About 55.
Q What is your post-office? A Lenapah, Indian Territory.
Q What district do you live in? A Coowescoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, as intermarried adopted.
Q Who do you want to enroll besides yourself? A 2 little boys Robert Rose.
Q How old is Robert? A About 15 years old.
Q What is the next child's name? A James Rose.
Q How old is James? A James is about 12.
Q Are you married? A No sir, I am a widower.
Q Your wife not living? A Yes sir, she is living; we was divorced.
Q What is the mother's name of these children? A She is married again.
Q Who has got these children? A I have got them in custody.
Examined by Attorney Smith:
Q What was your wife's name when you married her? A Emily Dannenberg.
Q Have you a witness where who knew as to whom she belonged?
A Yes sir.
Q Did you know her during the war yourself? A No sir.
Q You can't state from your personal knowledge who she belonged to?
A No sir.
Q Nor where she was during the war? A No sir. I never got acquainted with her until after the war.
Q When did you get acquainted with her? A In the fall of '65, near the close of the war.
Q Where was she? A At Lawrence, Kansas.
Q In '65? A Yes sir.
Q How long did you stay in Lawrence after that? A I lived in Lawrence about, - let me see, about three years, I think it was '68 when I left there.
Q Did she leave Lawrence? A She left Lawrence in the fall of '66 the next year after the war closed.
Q Did she make any statement as to where she was going? A She was coming to the Nation with her mother.
Q Where did you marry her? A I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the Territory, under what law?
A Under the Cherokee Law.
Q Have you got the certificate? A I have got a certified copy. (Produces papers.)

Attorney Smith: I desire to offer a certified copy of a certificate of his marriage to his wife, issued by the clerk of Coowescoowee District. (Hands paper to Cherokee Rep've Bell, who examines it.)

Com'r Needles: The applicant presents a certified copy of marriage certificate certifying that he was married according to the laws of the Cherokee Nation on the 20th day of September, 1860, Samuel Mayes issued in 1866, 20th day of

December; and married by Samuel Worcester, Minister of the Gospel, 28th of September 1830, to Emily Dannenberg.

Examined by Attorney Smith:
Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir. I have been recognized, the rights to vote.
Q Have you voted in the Cherokee elections? A Yes sir.
Q Have you ever had any permits issued to you? A I don't think I ever applied; yes I have, but I have no copies of them.
Q You have had permits issued to you? A Yes sir.
Q About when, do you remember? A It has been 14 or 15 years ago, I never paid any attention to it.
Q Did you ever have any law-suits in the Cherokee courts?
A One, yes sir.
Q Who with? A Man named Curlieshead, Delaware citizen.
Q In what court? A Civil court it was then, held at Dog Creek, Cooweescoowee District.

Cherokee Repitie Bell: I object to the introduction of this evidence, for the reason that it is not the best; the records could be obtainable, or showing cause to be made that they are not obtainable.

Com'r: Well, go on.
BY ATTORNEY SMITH:
Q Well now, Mr. Rose, where do you live now? A I live five miles north of Lanapah, Cooweescoowee District, Cherokee Nation.
Q Are these two children, Robert and James, living with you?
A Yes sir, when I am at home they are.
Q Are these children on any of the rolls? A Yes sir.
Q Robert and James, what rolls? A They are both on the Kerns and Clifton roll, and I think one of them is on the Wallace roll, I am not positive.
Q How old is Robert? A 14, going on 15.

Kerns-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified
page 146, #3619 Robert Rose, Cooweescoowee District.
page 146 #3621 Jim Rose, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant is not identified thereon.
1896 Chenoz roll of citizens of the Cherokee Nation examined and applicants not identified thereon.
Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant's former wife identified as follows:
page 146, #3616 Emily Rose, Cooweescoowee District.

Examined by Cherokee Representative, L.H.Bell:
Q You don't claim anything but intermarried right? A And the right to enroll these two children.
Q When did you marry Emily Dannenberg first? A First time I married her I think it was in 1857, along in June.

FURTHER TESTIMONY IN THIS CASE TAKEN BY STENOGRAPHER CHARLES VON WEISE.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.
M.D.Green.

Subscribed and sworn to before me this June 9th, 1902.

June 1st, 1901, CONTINUATION of the above.

By Chas. von Weise, Steno.

****

Harry Still, being sworn by Com'r Needles, as a witness for the applicant, testified as follows:

By Mr. Smith:

Q What is your name? A Harry Still.
Q What is your post-office address? A Hayden.
Q How long have you lived in the Cherokee Nation? A About 54 years
Q How old are you? A About 54 years old.
Q Did you know Emma Rose or a woman who was the wife of John J. Rose? A Yes sir.
Q What was her name before she married Rose? A Dannenberg.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Dick Dannenberg.
Q Was he a Cherokee citizen? A Yes sir.
Q Where was Emma Dannenberg when the war broke out? A She was living with her master then.
Q Where? A In Flint.
Q In the Cherokee Nation? A Yes sir.
Q Do you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Did she come back after the war? A Yes sir.
Q When did she come back? A In the fall of '66 long about the last part.
Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
Q Where did you come to? A Come to Lightning Creek.
Q How old was Emma at that time? A Her and Jane was both good - sized girls-- young ladies.
Q Who was their mother? A Tilda Dannenberg.
Q Where did they locate when they came? A Stopped at a place now known as Hayden.
Q And where is this woman Emma now? A She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.
Q Where does John Rose live? A Somce six miles from Lenapah.
Q How long has he lived there? A The first time that I saw those people I can't exactly fix the date, it was on California Creek over 20 years more than that must have been in 75 or 76.

By Bell-

Q Was this Tilda Dannenberg married? A No sir, she was a widow.
Q Where did she settle? A Near what is Hayden now.
Q How long did she live there? A 5 or 6 years.
Q And kept these children with her? A Not all the time.
Q How long did she have them? A 2 or 3 years when she first came there
Q I mean Emma Rose. I am speaking of John J. Rose' wife? A That is Em.-- she kept Jim with her all the time.
Q I am speaking of John J. Rose' wife? A That is who I mean.
Q When did you come back to this country? A That first time?
Q Yes sir? A In '65.
Q And then you came back again? A Yes sir.
Q In '65? A Yes sir.
Q Are you on the 1880 roll? A I am a citizen all right and was admitted at Vinita.
Q Are you on the roll of 1880? A I said I was a citizen all right.
Q Who came back besides your family? A Reed Whitney, Joe King, Andy Rider.

Lewis Whitmire, called and sworn as a witness for the applicant.

By Mr. Smith.

Q What is your name? A Lewis Whitmire.

J.J.Rose 4.

Q Where do you live? A Hayden, I.T., on Lightning Creek.
Q How long have you lived in the Cherokee Nation? A Never lived out of the Cherokee Nation.
Q Do you know John Rose? A Yes sir.
Q How long have you known him? A I have known him about 26 years.
Q Do you know his wife Emma? A Yes sir.
Q Who did she belong to before the war? A Mr. Dannenberg, and his family.
Q Were they Cherokee citizens? A Yes sir.
Q Where did they live? A I can't tell exactly if it was in Flint or Goingsnake, 2 or 3 miles from the line.
Q How big was she when the war broke? A I don't remember how big but she was a small girl when the war commenced.
Q She was out of the Cherokee Nation when the war was going on was she? A Yes sir I guess so.
Q Where did you first see her after the war? A The mother was at the old Harry Still place up on Lightning creek.
Q When did you first see her with her mother? A Sometime in the winter of 186.
Q Did you know who she was with? A With her mother.
Q Did you come back to this country the same time Harry Still did or not? A No sir I came back some summer though.
Q Do you know who brought this woman and these children to the Cherokee Nation? A No sir.
Q How long did you come and go see them up around there? A They were there 5 or 6 weeks, taken a claim there, it was cold weather, they got dissatisfied and gave it up.
Q Where did you next see them? A On Governeck Land, I was up there in the Chief election up there and seed them.
Q Have you ever been to the Rose house at Lenapah? A No sir.

By Mr. Smith:

Q How far from the Harry Still place do you live? A Just a short mile just like going from here over in town.
Q That was in 1863 that you was over there and saw the people? A Yes sir.
Q How long did Mrs. Rose stay there with her mother? A I just saw them there a short time.
Q About how long? A 3 or 4 weeks.
Q Where did she go then? A I don't know where she went, the next I heard of them was that they had a place up near Lenapah. I has never been to that place there, don't know where it is.
Q You know that they have lived up near Lenapah though? A Yes sir.

John Lowrey called and sworn as a witness for the applicant.

By Mr. Smith:

Q What is your name? A John Lowrey.
Q Where do you live? A On Lightning creek.
Q What is your post-office? A Hayden.
Q How long have you lived there? A 30 years.
Q How long have you lived in the Cherokee Nation? A I was birthed here and raised here.
Q Do you know Emma Rose? A Yes sir I am acquainted with her.
Q How long have you been acquainted with her? A Well I've seen her a time or two.
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]

Q How far is it from where you saw them to Lewis Whitmires? A 2 miles north east.
By Bell:
Q You say you knew Em Rose before the war? A Yes sir I saw her.
Q About what size was she when the war came up? A Small.
Q 4 or 5 years old? A I dont know, I was small myself.
Q About what age was she? A Might have been 7 or 8 I dont know.
Q Where did you see her before the war? A Where they lived on Flint.
Q Where did you live at that time? A On Spavinaw, this side of Kayesville.
Q How far from Kayesville did they call it? A About 12 miles, on the military road right on Spavinaw, the Jess Duffinglen place is where I was raised.
Q How far was that from the Dannenberg place? A It was a long ways.
Q How old are you Jack? A 55 as near as I can come.
Q What was you doing there at the Dannenberg place at that time? A My master carried me up there.
Q When was that? A That was a long before the war came up.
Q Well how long before the war came up? A I cant tell exactly, it was not so long before the war came up though.
Q Who was your master? A At that time I belonged to Jim.
Q Jim Landrum? A No sir Jim Dunbar they called him.
Q What was he doing there at the Dannenberg place? A On business I guess.
Q Selling some of you? A No sir not exactly, I dont know, I never was sold in my life.
Q How many days did it take you to go up there from where you lived? A 2 or 3 days or more in wagons.
Q How long did you stay there after you got there? A 2 or 3 days.
Q Can you tell close to where they lived in Flint? A No sir I never
Q You got through with that visit and came back home and never saw her again until you saw her up here on Lightning? A Saw her mother in Fort Scott.
Applicant re-called and examined by Mr. Smith:
Q Where were you living in 1880? A On California creek, near the Whiskey crossing.
Q Were you and Fanny living together then as man and wife? A Yes sir.
Q Do you know why you wasn't put on that roll? A At the time the census takers came round in the spring of '75, the census taker was Dick Dick and Mr. Hicks, they come to the house and my wife was absent and I gave in her name and all the rest of the family there was an order from the chief or the Executive office for all those who had not met the census takers therefore to appear and at the district clerks and give in their names, and in '75 I taken my mother in law and went to the clerk and she gave them in and swore to it and proved it by John Freedman--that was the same year that Mr. Wallace made the roll of the freedmen that I went to Tahlequah and got Mr. Bowns to go and examine the office and see if my people was down and he did and the clerk there told him the the district clerk, C.G. Lipe, had never sent in any such paper roll.
By Bell:
Q That was in '75? A Yes sir, the time that Jacob Lipe was clerk he took the oath and they said that the first oath that he took there was that of this her women's mother, Nancy Dannenberg.
By Smith:
Q Do you know she was old and blind and he had sold a farm rejected her [illegible]
Q You were [illegible]

By Fanny [illegible] children [illegible]

(6)

of his marriage to Rose Dawenberg according to the laws of the Cherokee Nation, the name of his wife is not found on the authenticated roll of 1880, but is identified on the Fern Clifton and Wallace roll; the names of the two children whose names are by his said wife Rose and are identified on the Fern Clifton roll; he offers satisfactory proof as to his marriage to the said Rose according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said Rosie Dawenberg, the wife of the said John F. Rose does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation protests the enrollment of these parties, the said John F. Rose will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, and the two children Fannie and Robert Rose will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

* * * * * * * *

Chas Van Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of said stenographic notes therein.

(signed) Chas. Van Weise.

Subscribed and sworn to before me this the 4th of June, 1901, at Chelsea, I. T.

(signed) J. Geddes,
Commissioner.

W. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

W. D. Green

Subscribed and sworn to before me this December 16th, 1908.

COMMISSIONER
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Cora Morris for the enrollment of herself and 4 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Cora Morris.
Q What is your age? A 24.
Q What is your post-office address? A Elliott.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and 4 children.
Q Give me the names of your children? A Clarence Morris.
Q How old is Clarence? A 6 years old.
Q Next child? A Dave Morris.
Q How old is Dave? A 4 years.
Q Next child? A Charley Morris, 2 years old; Helen Morris, 7 months old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Cleve Morris.
Q Is he a citizen? A No sir.
Q What is your father's name? A Charles C. Smith.
Q Your mother's name? A Jane Smith.
Q Your name on any of the rolls of the Cherokee Nation? A Yes sir.
Q What rolls? A The Kern and Clifton roll and the Wallace roll.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 147 #3728 Cora Smith, Cooweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 138 #2698 Cora Smith, Cooweescoowee District.

Q You never drew money for any of these children did you? A No sir
Q Have you got affidavits made out as to their birth? A No sir.
Q Where were you born? A In the Cherokee Nation.
Q You lived in the Cherokee nation all of your life? A Yes sir.
Q Are these children all living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q You are now married to one Cleve Morris? A Yes sir.
Q You claim citizenship through your mother? A Yes sir.

Com'r Needles: Cora Morris applies for the enrollment of herself and 4 children, to-wit: Clarence, Dave, Charley and Helen Morris; upon examination of the rolls of 1880 her name cannot be found; she is duly identified upon the Kern-Clifton and the Wallace rolls according to page and number of the rolls as indicated in the testimony; she swears that she is now married to one Cleve Morris, a non-citizen; that she is the daughter of Charley and Jane Smith, and she claims her citizenship through her mother, who was listed for enrollment upon a card 918, and the testimony in the matter of the application of Jane Smith, D 918, will be made a part of the record in the case herein and a copy thereof filed herewith; she is duly identified and makes satisfactory proof as to residence and genealogy; Cora Morris and her children enumerated herein will be listed for enrollment as Cherokee Freedmen; [illegible]

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COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 16 1901

ACTING CHAIRMAN

Cora Morris et al 2.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this july 9,1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October third 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, C. F. D. 474.

Appearances:
Jesse S. Davenport for the Cherokee Nation.
Mellette A Smith for the applicant.

PHILLIS GUNTER being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A Phillis Gunter.
Q Where do you live? A In Gooseneck Band, Coowescoowee district.
Q How old are you? A I just dont know my age exactly.
Q Do you know John J. Rose? A Yes sir, I know him.
Q Do you know Emily Nolen who was formerly the wife of John J. Rose? A Yes sir.
Q Where did you first get acquainted with them? A I was acquainted with their mother in Slave times.
Q With their mother, whose mother do you mean? A Emily's mother.
Q What was her name? A Matilda Dartenburg.
Q Were John J. Rose and Emily Nolen any relation to each other? A Yes sir they got married.
Q Where did they get married? A In Kansas somewhere, I cant tell exactly the place.
Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.
Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread payment.
Q Do you know what year that was, what year the bread payment was made? A No sir.
Q Where was John and Emily living when you come back from Lawrence? A I left them up there.
Q Up where? A Lawrence Kansas and never seen them any more until they came here.
Q Did they have some children? A Yes sir.
Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.
(By Smith)
Q Are you a freedman? A Yes sir that is what I have been claiming.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q What rolls? A My name was taken up at Chelsea.
Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.
Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man name Latty.
Q What was her name before she married? A Jane Starr.
Q What was her husband's name? A I dont know.
Q Where did [illegible] live? A I was raised up in Flint and in Sequoyah [illegible] lived out in the country,
[illegible] A Yes sir.
[illegible] Dartenburg.
[illegible] was it was
[illegible] country.
[illegible] it was quite [illegible].
[illegible] was? A Yes sir I moved
[illegible] was his mother's name?
[illegible] the war A I think under

was born before the war, if she was she was a small child; I know I saw her in her mother's arms.
Q Was that before the war? A Yes sir.
Q Sure of that? A Yes sir.
Q Where did you even see her in her mother's arms before the war?
A With her mother at the Dannenburg place
Q How many times were you at the Dannenbu g place? A I was hired out to his brother Nathan.
Q How far did the two Dannenburg brothers live apart? A I cant say exactly how far.
Q Cant you give some idea as to how far? A I dont know exactly.
Q Did they live 450 miles apart? A Nathan lived in town and one lived in the country.
Q Was it 400 miles apart? A No sir it wasn't, I dont suppose it was over five miles, it wasn't five miles, it was betw-en 3 and 4 miles I guess.
Q When the war come up where did you go? A When the war come up for a little while—when the war was raging so I was with my owners at Parkhill a while and then came back to the old home place.
Q When did you go up to Kansas? A About the time of the close of the war, just about the time that Quantrell's raid was in Lawrence.
Q What place in Kansas did you go to? A Lawrence.
Q Where was this Matilda then, didn't you say you saw Matilda there?
Q When I first went up in Lawrence?
Q Yes sir? A I didn't see her when I first went up there, we lived on one side of the river and they lived on the other, but I shortly afterwards saw her, I didn't see her for the first day or two after I got there.
Q You said a while ago that you saw Emily in her mother's arms you though before the war, how long before the war was it? A I cant say I dont know, I dont recollect that far back, I have told it as straight as I know.
Q You claim to have known this woman ever since she was a little baby, now when was she a little baby? A I cant say.
Q How big was she when the war come up? A Quite a little girl.
Q How many years old? A I dont know, never paid any attention, just seen them and knowed them, I dont know anything about the ages.
Q Was she three years old? A She might have been and might have been more.
Q Well, about how old? A I dont know.
Q You saw her and would know the difference between a gil three years old and one ten years old wouldn't you? A Yes sir I might.
Q You are in doubt about that are you? A Yes sir.
Q How old was Emily when you saw her at Lawrence? A Lille child
Q How long did you live in Lawrence? A I dont know how many years, I staid there a good while.
Q You dont know if it was one year or two years or 22 years? A I know it wasn't so.
Q Was it over four? A Yes sir I guess it was.
Q How much more? A I dont know.
Q Were you living there as much as five years? A I dont know if I did or not, I know I was there that is all I do know.
Q Can't you give some idea—was you there as much as five years? A I dont know if I was there five years or over five years or under five years, I dont know exactly know the years or dates, I know I was there quite a while, I know I was there two or three years anyway.
Q You say you think it was more than two years, two or three years? A [illegible]
Q [illegible] positively that you were there as much as five years? [illegible]
Q Are you positive that you were there as much as two or three years? A I know I was there that much.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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ACTING CHAIRMAN

Q Who did you live with there in Lawrence? A With my husband.
Q Who was he? A Harry Gunter. Q Is he living or dead? A Dead.
Q When did he die? A A year and six months ago.
Q Since you came here? A Yes sir.
Q You dont know what year it was when you went to Lawrence? A No sir I dont know that, ~~[illegible]~~
Q It was some time after you went up there before you saw this Matilda? A Yes sir.
Q When you discovered her there how far was she living from you? A Must have been 2 or 3 miles, she wasn't living righ' in town, she lived kinda in the country.
Q You lived in town? A I lived on the north side of the river, the river was betwixt us and town.

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This will be filed in the original application, that of John J. Rose, C. F. D.474 and also in Cherokee Freedmen doubtful cases, D-514; D-515; D-516; D-517; D-518; D-519; D-520; D-521; D-477; D-804; D-882; D-883 and R-132.

Chas. Von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas Von Weise

Subscribed and sworn to before me this the 24th of October, 1901.

Tams Bixby

Commissioner.

"R"

File with Cherokee Freedman D- 883, Cora Morris

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the matter of the application of EMILY NOLEN for enrollment as a Freedman of the Cherokee Nation, D-511.

Appearances:
Mr. Mellette, of Mellette & Smith, Vinita, I. T., attorneys for the applicants;
Mr. J.S.Davenport, of attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as follows:
BY MR. DAVENPORT:
Q What is your name? A Martha Pack.
Q Where do you live? A Tahlequah.
Q How long have you lived in Tahlequah? A About 15 years.
Q Where did you live before you went to Tahlequah? A I lived in Saline District.
Q Do you know a colored woman by the nameof Emily Nolen now, that is, who goes by that name at present? A I know her, but I don't know her by that name.
Q What name do you know her by? A I know her by Emily Rose.
Q Where did you first get acquainted withher? A I got acquainted with her in Coffeyville, Kansas.
Q ~~How long ago~~ wasit that you got acquainted withher in Coffeyville Kansas? A Well it has been about 25 years, if not longer.
Q Where was she living at that time, if you know? A She was living in Coffeyville, Kansas.
Q Did youhave any conversation withher at that time, become quite well acquainted withher? A Yes sir, well acquainted withher.
Q Did she tell you anything about where she had lived prior to moving to Coffeyville? A No, but they came from upper Kansas there.
Q Came from somewhere else in Kansas? A Yes, up above.
Q You know where she is living now, or about what locality? A I think she lives on Big Creek or somewhere up in there.
Q In the Cherokee Nation? A Yes sir.
Q Have you seen her since you saw her when she was living in Coffeyville, Kansas? A Oh yes sir, lots of times.
Q How long did she live in Coffeyville, Kansas, to your knowledge after you got acquainted withher,or about how long? A Well about two years I guess, I think.
Q You had never known her before the war had you? A No, never known her.
Q She claims to have been a Dannenberg, I believe, you never knew her untilafter she was living with John Rose? A She was living with John Rose.
Q Was John Rose living with her after you got acquainted withher in Kansas? A Yes sir. Theywere all living together, her mother, Charley's Smith's wife.
Q What was her mother's name? A Tildy Lacey.
Q What was her sister's name? A Jane Smith.
Q You know where Jane Smith is living now? A She lives on Hickory Creek.
Q That is in the Cherokee Nation? A Yes sir.
BY MR. MELLETTE:
Q What you say your name is? A Martha Pack.
Q How close is Coffeyville, Kansas to the line of the Cherokee Nation? A Why I don't know exactly how close the line is, it was 18 miles at the time where I lived to Coffeyville.
Q Where did she live? A She lived in Coffeyville then.

Q How do you know she did? A I worked there in Coffeyville, and ~~xxxxxxxx~~ was well acquainted withher .
Q How long did you work there? A Oh I worked there a year or two.
Q Which wasit? A About a year I guess.
Q She there all the time while you were there? A Yes sir.
Q Where did theylive? A They lived right in town.
Q Were they ever in the Cherokee Nation any? A No sir.
Q You say they never was over in the Cherokee Nation? A No, only when they went to church.
Q How do you know? A Because I lived near therm, I lived right there near, I didn't live with them, I was working right there, and was there every day.
Q How close did you live? A About a hundred yards.
Q You watched them all that year did you? A No, I didn't watch them, I was well acquainted with them~~xxxxxx~~
Q When were you first asked about this matter as to what you remembered about it? A Why I know about them?
Q Yes. A Last summer.
Q Then you remembered back 25 years? A Oh yes sir.
Q And remember everything that the Nolens did 25 years ago? A No, I just know where they lived at, and was well acquainted with them.
Q You know they lived right there in Coffeyville? A Yes sir.
Q But you didn't watch them to know exactly where they went at different times? A Oh I know where they lived because I passed them
Q Don't you know they were away from there months at a time? A No sir, they was not away from there while I was there; they might have went away after that. I know the time they come in the Cherokee Nation and made a crop.
Q When was that? A I don't remember the year exactly, but it was the year that the grass-hoppers were just thick in the farms, that was the year that Joe Rose and Charley Smith came to the Cherokee nation and made a crop.
Q What year was that? A I don't rememmber, I couldn't tellyou that.
Q Hadn't they been farming down in the Cherokee Nation all the while? A No, that is the first year they went.
Q Where did they come from to Coffeyville? A They come from in above in Kansas.
Q How do you know? A They said they come fromabove there, I didn't know it.
Q How old are you? A I am about 43 or '4, along there.
Q Then how many years ago was it you saw these people in Coffeyville? A It has been about 25.
Q What makes you think it is 25 years? A Because my oldest child is 25 years old.
Q When was that child born? A I couldn't tell you what year that was but she is 25.
Q Was she born while the Roses were living there in Coffeyville? A Yes sir.
Q How do you know that? A I know that.
Q You had a little baby to take care of didn't you? A ; No I come away from there, they had been living there quite a while.

BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-477, D 514, D 515, D 516, D 517, D 518, D 520, D 521, and D 804.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 28, 1902.

Supl. C. D. #818. Freedmen. See Marion 70583.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to Citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative, L. B. Bell.

C. V. Rogers, being duly sworn testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Came to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well, what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedmen by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho river; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was, where you say it was? A It was right on this side of the Neosho river; between the old Hudson place and Neosho river.
Q How far from the Neosho river? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about a half mile.
Q And how far is that from the Kansas line? A The Neosho river is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you knew in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how a man was he when you met him? A He is an older man I think than I am.
Q And you saw others with him you knew? A I think Aaron Whitmirre and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15,m20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know though where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer of the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson,

Stenographer.

F. D. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application Edward Wright for the enrollment of himself as a Cherokee Freedmen.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902, introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedmen. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation, entitled, "Docket of the Chambers Com'n on Citizenship," as follows

"No. 85 Edward Wright
vs
Cherokee Nation.
(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above, page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation.
(Ex. June 7th. Statement filed on 26th of June.
1st July set. 1st Aug. set for trial.

Judgment against claimant June 27, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they being then without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they could subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1878. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled "Register of evidence before Court of Commission Chambers Court, Book A," page 839, case No. 60, as follows:

"Case 60.

Aaron Whitmire,)
vs) Tahlequah,
Cherokee Nation.) July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. I am a citizen of the Nation. I have been on the doubtful roll but had my rights proven in before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They come down along in Dec. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire party proper were Aaron, Lewis, Rose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this part coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistance. As I was coming down the fist time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKoy requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

I was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Nick x Fields
his mk.

Aar on Whitmire
vs
Cherokee Nation.

August 1, 1878.

Blufert Alberty, witness for claimant, called and sworn.

I reside in Coowoescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coowoescoowee District,

on the 3rd of Sept. 1866. I had occasion some time in the last of October or the first of Nov. or probably it might have been as late as the middle of November, to go to the Virdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most all of them. Their names were old Sam Webber, Aaron Whitmire and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do no recollect any of the others and cannot identify them. The Whitmires were Johnson and George Whitmire, Aaron Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chance there was to get provisions over on the river. I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them houses &c. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the other that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. It was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this time May 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I meet them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Batliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McKane's Ferry in 1868. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1868 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presencce.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Tom Walker, Peter Helge, Bill, Foreman, Tuck Sanders, Ransom Daniels, Sam Tobber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and his brothers were authorized to make claims for others still back in Kansas. Witness made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Nan, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Helge and the families of those who had families all came as I did besides other not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alex Ratliff at breaking out of war. She first came in there 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Already as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry, Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 35 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Moses Whitmire.
mark.

Case 63.

Aaron Whitmire & family
vs
Cherokee Nation.

Claiming citizenship.

Now comes claimant by his attorney before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit:

[illegible] in [illegible] Nation and claims as aforesaid under [illegible] of the [illegible] of the classes of claims preferred by [illegible] to hear and decide rights by [illegible]

[illegible] citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, which he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coowescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Rose, Lewis, Dennis and Nelson, Whitmire, Peter Keigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but Idd not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others about of it was pretty cold weather when I crossed them. It was at noon as I am recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do [illegible] the [illegible] they had [illegible] I do not know Martin of Neosho [illegible] I was not acquainted [illegible] at the time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I could not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped the night before I crossed them. I thought that were they any women and children I would have seen it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognized the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs)
Cherokee Nation.)

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

Wm. McCracken.

R. L. Mingolgen, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber mentioned as a reason for settling where he had to settle in claiming [illegible] people after their freedom [illegible] in the convenient to do in an unoccupied part of the country.

This was [illegible] as they could have their own [illegible] more segregated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of [illegible] saw several of their families in Nov. 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire in the name of the other man. I also permitted to go on the old field. The spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quite industrious and law abiding citizens as much as any in the Nation. Some of those people have large and good farms all made by themselves since the war.

Witness with a party of six remained in the fall of 1866 and this colored party who settled on the land afterwards in the neighborhood for the purpose as they claim the time of selecting their colored party said they had selected and are now the homes of the party above indicated.

Again comes who at the time arriving said col party. A delegation for the Cherokee nation at Washington. There were parties as witness learned from the of them who wished to shoot or drive off from their claims this colored party at the time they were prospecting the country. This was denied against by witness and it was not done or carried out. Without party spoken of above was composed of Cherokee citizens except the colored party. I am the sole survivor of this party except the colored man and probably one other. Occupation of claimant is herding wild cattle. I travelled a good deal in that neighborhood at that time knew of.

Continued on next page.

March Whitmire et al July 1st 1914.
vs.
Cherokee Nation. John Riley.
Sworn as witness for Deft. I live in Coweescoonee Dist. I first came there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Virdigris River to live in the month of March 1866. Also came at the same time Pete Vedige, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring. In 1867 on an old place of Aaron Lundrum. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Dec. 1866 to locate homes but I heard of some who came in Sept. or for that matter. I know where Aaron Whitmire lived in Sept. 1866. I was near Cooey's Bluff in Dec. 1866. I live on the west side of the river. Claimant lives and settled on the east side of the river. No any heads of families came in Dec. 1866 I never heard of them. I never knew of Alfred Alberty being in the part of the country in 1866 in the party who came down in Sept. 1866. Mike Sanders was not along but like Sanders, Sam Webber, Foreman, Pete Vedige, Robert Foreman. Robert was not along. Dennis was not along. I know of no Marsh nor Major Wright nor Nelson Whitmire. Left Sept. 1866 and party had come down in Dec. 1866 I [illegible]

[illegible] (page 2)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. V. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitmire)
vs)
Cherokee Nation,)

Tahlequah May 16, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes ther of.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1902.

Bruce E. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.

Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q. The first time you came here was in March after the twenty-one point? A. Yes, sir, that is about the second time.

Q. How long before that did it come you came out? A. I could give the dates of the months, but they I was to open out, but we did get up a house one fall and went back and came right out of it.

Q. About how long did you stay out here that you had up the building? A. We stayed there a few days and then went down and moved down.

Q. What kind of buildings did you put up? A. We put up a log cabin.

Q. Did on Big Creek? A. Yes, sir.

Q. How far from where the Bar Ranch? A. The line of the south side of Texas and we live up there on Big Creek. I could tell you exactly how many miles, but we lived at Jackson and we lived up there on Big Creek.

Q. What old citizen lived near where you first located, where you first located when you first moved out? A. [illegible] lived there.

Q. Name some old citizens old 1878, at the place now where you located there? A. Sam Webster.

Q. Was Sam Webster live at that place? A. He did have there but he don't live there now.

Q. Who lived at the place then and put some up? A. Sam Webster and Jackson, and a whole lot of them.

Q. You have lived there ever since? A. Yes, sir.

Q. You went out to support the Fort Chadbourne? A. Yes, sir, because Sam Webster drove the ox wagon and I drove the horse team.

Q. Do you have anything about Chief? A. I have only they are the year 72 out, and this year 73 in.

Q. What year is Chief? A. If I get election I have vote to Sam.

Q. The year through? A. I could tell you exactly what year it is because I am not interested like you when he.

Q. You are satisfied in '73 you came here to Texas? A. Yes, sir, [illegible] Do you know when the treaty was signed, and that period if was signed in, the treaty, you said Mr. Chadwick you have a too month or so the treaty was signed, you don't know what year, is 1868 the treaty was signed? A. Yes, sir, I don't.

Q. Have you got any witnesses? A. Yes, sir, Sam Webster, and he here.

Sam Webster, being duly sworn and examined by Commissioner Hendley, testified as follows:

Q. What is your name? A. Sam Webster.

Q. What is your age? A. About 50, somewhere somewhere that.

Q. What is your post office address? A. [illegible].

Q. Are you a Reservation citizen of the Comanche Indians? A. Yes, sir.

Q. Your name on the 1868 roll? A. Yes, sir.

Q. Do you know Sam Webster? A. Yes, sir.

Q. Is he any relation to you? A. He is my brother.

Q. Was he a chief? A. Yes, sir.

Q. To what did he belong? A. Sam Webster.

Q. Was also a Comanche chief? A. Yes, sir.

Q. Where? A. Yes, sir.

Q. Where was he during the war? A. He was with us in Texas.

Q. What did he come here? A. He came with us when we came to Texas to live.

Q. Did come to Fort Sill and he came with you? A. Yes, sir.

Q. What year was that in? A. [illegible].

Q. He was a chief and came to you? A. Yes, sir, came to us, with the young Comanche.

Q. Could he be satisfied in the same treaty you have got? A. Yes, sir.

Q. Did the same treaty, [illegible] in the same provision that.

Q. [illegible] A. He was [illegible] and he was [illegible] the same.

Q. You have heard of the treaty yourself? A. Yes, sir, I was in the [illegible] the treaty was made. [illegible] the treaty.

Q. How many the three of the time old man Webber was on it? A. Just Dunning owned it until my father bought it.

Q. How do you know it was '63 that you became acquainted with Sam Webber? A. I remember that it was during the last years of the war and the Webbers were coming into Kansas, both middle and Black, in. We and they were neighbors then.

Q. Did you ever after that? A. Yes sir, been good friends and good neighbors, and I remember going by this farm. I remember how long they lived on it before we got it.

Q. How long? A. Three-four-five years he was living at '67.

Q. Then turned it from somewhere before your father got it? A. They moved from '63 to '67.

Q. Did you ever hear your father say that this land in '63 was located for Sam Webber? A. Yes sir, I have heard my father say that Webber was on it.

Q. Do you say it was in September of 1867 that your father bought that land? A. Yes sir.

Q. Was Mrs Webber living then? A. Yes sir, in possession the farm of Sam Webber.

Q. Did the son Sam Webber rent this place from your father? A. No sir, he bought it from Webber.

Q. Did Sam Webber, the old man and the boys, come down here or leave there coming in the fall of 1867? A. I think not.

Q. Have you remembered that they did not get that the old man came back to Kansas? A. If my memory serves me, it was in '66, late in the summer, I mean early in the fall.

Q. Which was in the fall of 1866? A. That they came down here--started away from Kansas.

Q. Was Sam Webber, the old man, the old young Sam and boys.

Q. What is your recollection as to how long they stayed? A. They came back I think in December or late in October.

Q. Will which came back first? A. Why I think the older Sam Webber came first.

Q. How long do you think it was before you saw Sam Webber Jr. again?

Q. Well, it was a short time, a month or more, I don't recollect that, it is a good while ago.

Q. You helped Sam Webber harvest crop in '67? A. Johnson Webber and the old man Webber's crop in '68.

Q. Who helped Sam? A. Them two and the little boys I think worked too. Aaron did, I think you put on the old tow. I don't remember much about that.

Q. Where was old man Webber in July 1867? A. They rented the island that crop and worked part of the summer for my father on this farm.

Q. Do you not think that in July of 1867 Sam Webber Sr. came here for his family and they left Ohio for this country for which come homes? A. That is not the way I remember it.

Q. You have stated that it was a long time ago, do you think that your recollection has faded slightly? A. Yes sir, the day of month cannot be, but that is my best recollection.

Q. Are you testifying to the best of your recollection? A. Yes sir.

Q. Do you remember of Sam Webber's bringing men hither to that country?

A. I do sir.

Q. Then you stated that in July of 1867 he came to '68 and brought men here and then.

Q. Indeed you remember, you say in July? A. Which year?

Q. 1867? A. No sir.

Q. When was the last time you saw old Webber? A. He died and could be was coming down on a walking trip.

Q. Was that the last time you saw him? A. Yes sir.

Q. Did you remember of his coming down and the old man returned? A. Yes sir, I remember that.

Q. Do you remember of his coming down? A. Yes sir.

Q. Do you remember of this meeting, coming down to Kansas? A. I do.

Q. Do you remember of this meeting down to the territory to build some houses? A. Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $60 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaed in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Madden,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Roscoe B. Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.N.-300, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.G.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Weber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commissioner: We will take it for what it is worth and let the Commission [illegible]
BY MR. HASTINGS:
Q That is your best [illegible] sir?
Q That is your best [illegible]

Q You said I believe you know they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Unlera? A Yes sir, there was a girl there called Chibra, I supposed it was Joe's sister.
BY MR. SMITH:
Q Mr. Chibra, how old were you in 1867? A About 13 years old, September 6, 1866.
Q Now when were you first going to the time when Sam Webber left that country? A When was I called first?
Q Yes? A I think he was [illegible]
Q Well you didn't know the year? A No, I don't know yet what day he left there at all.
Q Did you have that opinion [illegible] A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1867? A I don't know.
Q Where was he in October, 1866? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q What was in the fall of 1866 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Of course, well how do you know, did you see him? A Yes I saw him.
Q There did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two? A Yes, sir, I knew young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time he soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Webb, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not. I don't think they did. They was there in 1865 but they was going and coming all the time they come down in 1864 and located.
Q They came in 1863 and located? A Yes sir, but they came back and got their family.
Q You don't know what time in 1865 they were there? A They were there before '66.
Q Well I am talking about '65. Were they there in the spring of '65? A I couldn't say what time in the year I think they were there all the time.
Q [illegible] in 1865 or not? A [illegible]
Q [illegible] they come down [illegible] the same time [illegible]

[illegible]

Well did they [illegible] some [illegible] A. I don't know whether they did or not. Aaron didn't come back. I don't [illegible]

What about Sam Jr.? Did he come down [illegible] A. Yes sir, I don't know whether he came back or not. I don't know and was [illegible] can come back and see the family.

Do you know what they came back together? A. Yes, I am pretty sure they came back, I don't know if they came back afterwards.

Do you remember of Sam Sanders Jr. ever bringing any [illegible] country? A. No sir, I don't remember. I remember Sam telling me he had his cabin up.

Who did he tell you he had his cabin up? A. To the rest of the [illegible]

He had been down here in the fall of 1866 and had built a cabin up. A. Yes sir, he told me he had his cabin built.

And now that final move when they took all the people out was [illegible] I don't know, but it came in my mind [illegible] I went out anywhere alone that [illegible] that year? A. No.

You say you don't [illegible] there? A. I don't know [illegible] of now.

You don't know whether he did or not? A. No sir, that is a fact, but it came in my mind by [illegible]

There was one [illegible] during the winter of 1866 and 67 the winter that commences with December, 1866 and ends with February 1867. A. I think he was there.

Well, did you [illegible] there? A. Yes, I think he was there [illegible] all the time.

What do you know [illegible] was in the habit of [illegible] opinion he was there.

You can't state positively that he was on the [illegible] A. I know most of them was there and I believe he was too.

You can't state that positively? A. No sir, not where I [illegible] something to [illegible]

You just say that? A. No sir.

How can you remember about Sam Sanders coming up there in the spring of 1866 and [illegible] A. [illegible] I don't remember of [illegible] a long time ago, but I remember those things [illegible] that was in the time of [illegible] I was [illegible] here to the other, and that was in the fall.

You didn't go out of that fort? A. No sir, just [illegible] to the [illegible]

And you were a boy [illegible] A. Yes sir.

What is there important to tell the [illegible] was in [illegible] more than [illegible] you [illegible]? A. I know [illegible] that concerned the [illegible] A. [illegible] that [illegible] I know it was [illegible]

How about that now, [illegible] A. [illegible] in the fall of 1866, I was [illegible] here [illegible] from [illegible] things that he did when he [illegible] house, or [illegible] A. [illegible] I don't [illegible] to be [illegible] way of [illegible] that [illegible]

[illegible]

[illegible]

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1865 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides to the community?
A No sir; I didn't charge my mind with anything like that.

Joe Knew (sup'l) 10

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way
Q Where did you move from this place that you live? A Where did I move from.
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has crowed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You would be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.
BY MR. MASTERS:
Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married, I didn't see it.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears. was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then come back.
Q How do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not. when they came after their c claims.
Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir, sometime alongih the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No i don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any track of his whereabouts
Q Now what makes you think it was in February or March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty half and some winters we don't have much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there after February or March? A Well it was along toward spring they left, that is the best of my knowledge.
Q How in what way do you fix the date you speak of your people there, is that the way you fix the date by that? A No sir, I fix it by memory, of course [illegible] by the people, of this child's death; they were there [illegible], I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now that I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1886? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A. HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry made in this Bible you have with regard to the date of the death of your [illegible] with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it — I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the [illegible].
Q Was this the first place it was made where it was made here in this Bible? A [illegible]
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year [illegible].
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to [illegible] distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY MR. HASTINGS:
[illegible] ask [illegible] case of [illegible] a part of [illegible] be [illegible] doubtful [illegible] and at [illegible] page 218, [illegible] doubtful [illegible]
[illegible] the pertinency

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN G. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th,1901.

J. C. Starr,

Notary Public.

SEAL.

To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereoon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months of a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
~~Q He never made a crop to your knowledge? A No, sir, not to~~ my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never saw them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came there.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A R Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Bruce G. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 12th 1902.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman, she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was from grown old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Coweseowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Did you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1839? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine. Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 176, No. 2564, Alice Sanders, Coweseowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found [illegible]
Page 190 No. 2812, [illegible]

Q Did you ever go on the land in Oklahoma? A Yes sir there was my money.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No., 40, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 151, No. 2748, Elizabeth Meigs, Sequoyah District.

Q Where were you during the civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tells you.
Q You all came in winter time? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Samuel Sanders.
Q Who else? A Nathial Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now.
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when your husband came on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q These that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in 1864.
Q What house ? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that came? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living on now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you come at it right.
Q Were they the nearest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled me before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is don't you? A Yes sir.
Q What court do you know? A Kerns Clifton court.
Q Any other court that you know of? A I know of the Wallace court, any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 50 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:
Page 175, No. 2657, Reuben Sanders, Chewenoosse district.

Q Did you ever have to carry the question of your citizenship before the Court? A Yes sir.
Q What court? A The Chambers court.
Q Was that the only one? A Yes sir that is the only one, I was admitted in the Chambers Court.

Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson Occhelita was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Goosenock Bend, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In '71 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I get back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyoung my knowledge how many there were.
Q [illegible] A We made a trip in August and one in October and then we moved here in the winter.
Q Did you come in [illegible] A Yes sir.
Q Who came with you [illegible] A Some of this family, Peter Meigs and my his place; the [illegible] these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Mose and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming; utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following? A This family is one, for, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Willie Foreman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know all I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir; I wouldn not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

By the Commission:

Q Dont you remember any one else? A Rachel Webber.
Q [illegible] any one else? A No [illegible].
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you came to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may have.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?
A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself ?n August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family
Q You staid here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father came at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for staing this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford. and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmaw.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir,
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I dox not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~xxxx~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23,1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.
Commissioner Needles: Hasn't that already been shown?
L. T. Brown: And that they have had a continuous residence in this country since that year.
Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.
Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '66.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth? A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out? A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out? A Yes sir.
Q Well, did you ever know her by any other name than Betsy? A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No,sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes,sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-refsrences.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November,1901.

T. B. Nebdiss,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.
Appearances:
L. T. Brown, agent for applicants;
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:
By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.
Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.
Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.
T. M. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Gilmer

Subscribed and sworn to before me this the 8th day of August, 1902.

P. J. Austin
Notary Public.

Supl.-C.F.D.#

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chatopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it, Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:
MR DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Notary Public.

To be filed with C. R. D-[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 11, 1902.

In the matter of the application of Charles C. Smith et al for enrollment as Cherokee Freedman.

SUPPLEMENTAL TO D-514.

Applicants represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings and J. S. Davenport.

The Cherokee Nation by its representatives makes satisfactory proof of service on the applicants' attorneys, Mellette & Smith, that it would on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Charles C. Smith et al to enrollment as Cherokee Freedman.

The applicants and their attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Hattie Drake.
Q What is your age, Mrs. Drake? A 48 my next birthday.
Q Where do you live? A Lawrence, Kansas, Douglas County.
Q How long have you been living in Lawrence, Kansas? A Well, I was brought there when I was quite a little girl, and I lived there until after I was married, and then I went away and lived ten years, and then moved back to Lawrence and been there ever since, and that's been about seventeen years.
Q Well, where were you living when the war closed? A I was living in Lawrence, not in the city, in the country just a little piece from town.
Q Well, did you move into town after that, after the close of the war, immediately after the close of it? A No, sir.
Q You were living right in the edge of the town? A Yes, sir, you might say; I went to school in town.
Q Did you know a colored woman by the name of Matilda Dannenberg? A I knowed a colored woman by the name of—knowed of her—by the name of Matilda Colbert.
Q Well, did you know any of her children? A Yes, sir.
Q What were their names? A One was named Jane and one was named Emily.
Q Did they have a brother there by the name of Jim? A Yes, sir, there was a little boy they called him either Jim or James, it seems to me they called him Jim.
Q Where did you [illegible] them? A I went to school with them in North Lawrence.
Q Was that after the war closed? A Yes, sir, I am pretty certain I [illegible] the war was closed, and I went from [illegible] to school.
Q It was after that war? A Yes, sir.
Q How long did you go to school with them? A Well I couldn't tell just exactly how long [illegible] school [illegible] different times, I [illegible] a whole term in [illegible]

Q And you knew of their mother? A Yes, sir, I knew of their mother.
Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.
Q You knew of her living there? A Heard of it, yes, sir, heard of her living there.
Q You went to school two different times with them? A Yes, sir.
Q Do you remember what years they were? A No, sir, I couldn't tell you.
Q Couldn't tell? A No, sir.
Q Do you know what become of these girls? A No, sir, I don't know what become of them but I heard, I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.
Q Well do you know whether Emily was married there or not? A I didn't see her married, I heard that she was.
Q Where? A In Lawrence.
Q To whom? A A man by the name of— I heard her husband was named Ross, John, I believe, Ross.
Q You only heard of this like any other circumstance in the town? A Yes, sir, I didn't see them married and didn't know her husband.
Q Didn't know her husband? A No, sir.
Q Was Jane married when she left there? A If she was I never heard of it.
Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard; Never saw them in Topeka at all.
Q Never saw them? A No, sir.
COMMISSION: How old did you say you were? A I am 47 past, I will be 48 years old the first day of June.
Q Where do you live? A I live in Lawrence, Kansas, Douglas County.
Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.
Q When did you begin to know the children? A When I was going to school with them.
Q You don't know when that was? A I couldn't tell you what year, no, sir.
Q About how old were you, have you any idea? A Well, I was about 11 or 12, between 11 and 13 years old I will say; My mother didn't exactly know my age, but that's what she says that she was—
Q Sometime after the close of the war was it? A Yes, sir.
Q Well, now, how long did those people continue to reside in the same community where you were living? A After I got acquainted with them?
Q Yes. A Well, I couldn't tell you.
Q Were they living there when you came, or did they come afterwards? A I couldn't tell you that.
Q Haven't you any idea how long they continued to live there? A No, sir, I don't know how long they lived there.
Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember I met them at school.
Q That was after the close of the war was it? A Yes, sir.
Q Do you know where they came from? A No, sir.
Q How long did you [illegible] Well [illegible] I went to two different schools [illegible] I was.
Q Did you [illegible] any like that you were [illegible]

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.
Q Have you seen them since they left that place? A No, sir.
Q Have you ever heard of any of them? A Yes, sir.
Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.
Q Where do you live, Mr. Jones? A In Topeka, Kansas.
Q How long have you lived in Topeka? A Ever since '86, February '86.
Q You went there after the close of the war? A After the close of the war, I was mustered out—
Q What part of the city did you locate in when you first went there? A When I first went, just outside of the town, out on the prairie just outside of the town.
Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Dannenberg or Matilda? A Tildy Colbert she was called when I first got acquainted with her.
Q Well, do you know whether or not this Tildy Colbert as you knew her had any family? A Well, yes, sir, she had three children.
Q What were their names if you know? A There was Emma and Jane and Jim.
Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
Q Do you know what her husband's name was? A John Rose.
Q Did you ever get acquainted with John Rose while they lived there? A Yes, sir.
Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
Q Do you know to whom she was married? A Oh yes, sir.
Q What was her husband's name? A Charley Smith.
Q Now about what year, about how long had you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on—
Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. (Pointing across the street.)
Q What street did they live on then? A Crane street.
Q How far from you then did they live when they lived on Crane? A Well, about as far as from here over to that building across the street.
Q About how far would you estimate that? A They was about half their lot.
Q About half a block? A About half their lot, just the length of two feet their lot was you know, and they was a little over half way I suppose.
Q Well, now, did this woman Matilda Colbert as you knew her, marry any more while you knew her? A Well, I can't tell you whether she

married or not, but it strikes me that she did.
Q Now Mr. Jones, how long after you got acquainted with Matilda Colbert and her children did they continue to live in Topeka or near Topeka? A Well, I suppose they lived there about six years; somewhere about that, after I got acquainted with them five or six years as near as I can recollect.
Q Well now while the family lived there was you well acquainted with them? A Oh, I was, yes, sir.
Q About how often would you see them when they were living on Crane Street? A Every day.
Q Did they continue to make that their home? A Yes, sir, till they sold out to come down.
Q Do you know whether or not they owned their property there? A Yes, sir, she owned it.
Q Now this Jim you speak of, what name did he go by? A Jim Colbert.
Q And Jane had married Charley Smith while- A She was Jane Colbert when they first went there.
Q And Emily had married? A Married John Rose when they first come.
Q Well, now, do you know where they said they came from when they came to Topeka; where did they say they came from? A Lawrence.
Q Lawrence, Kansas? A Yes, sir.
Q Well, now, about what year did they leave or move away from Topeka, Mr. Jones? A I suppose in '73 or '4, I ain't positive just which, but somewhere along there.
Q They came to Topeka about what year? A They come there I suppose, just my idea is as well as I can recollect, in '68 or '9, I couldn't say positively, but '68 or '9.
Q Went away from there about '73 or '4? A Yes, sir.
Q Somewhere along there? A Somewhere there in that neighborhood, right close about that.
COMMISSION: You didn't learn to know these people until about two years after you came to Topeka, Kansas? A Well, somewhere about that, I couldn't say positively just exactly what time, but then somewhere in the neighborhood of two years I got acquainted.
Q It was approximately two years after you came to Topeka when you first learned to know them? A Yes, sir.
Q You went to Topeka in '66? A In '66.
Q You don't know where these people were in '66? A I don't.
Q Haven't any idea? A No, sir.
Q Well now how long did they continue to reside there at Topeka, Kansas; about how long? A Well, I suppose they staid there some five or six years.
Q Do you know where they went to then? A Well, yes, sir, they came down to the Territory.
Q To the Cherokee Nation? A Yes, sir.
Q Haven't they resided in Topeka since that time? A No, sir, not that I know of.
MR. DAVENPORT: The Cherokee Nation offers in evidence a certified copy of a marriage license of Joseph Bacy, of Topeka, Kansas, to Matilda Hangenburg, of Topeka, Kansas, dated February 6, A. D. 1866; also marriage license of William Rose, of Topeka, Kansas, to Matilda Bacy, of Topeka, Kansas, dated April 5, 1873; said documents being as follows:

State of Kansas,
County of Shawnee. } Be it remembered, that on the [illegible]
there was issued from [illegible]

cense, of which the following is a true copy:

—:Marriage License:—

Shawnee County, State of Kansas, February 6, A. D. 1869.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in Marriage, Joseph Lacy of Topeka, aged 28 years and Matilda Denimburg, of Topeka, aged 30 and of this License you will make due return to my office within thirty days.

(Seal) Lewis Hanback, Probate Judge.

And which said Marriage License was afterwards, to wit:- on the 25th day of February, A. D. 1869, returned to said Probate Judge, with the following certificate indorsed thereon, to wit:

State of Kansas, County of Shawnee, SS.-

I, Thos. Wilson, Clergyman do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1869, at Topeka, in said County, join and unite in Marriage the within named Joseph Lacy and Matilda Denimberg.

Witness my hand and seal this day and year above written.

Thos. Wilson.

Attest:

Lewis Hanback,
Probate Judge.

State of Kansas,
County of Shawnee, } Office of Probate Judge of said County.

Be it remembered, That on the fifth day of April, A. D. 1873, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

—:Marriage License:—

Topeka, Shawnee County, State of Kansas, April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 33 years and of this License you will make due return to my office within thirty days.

(Seal) D. C. Metzker, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 30th day of April, 1873, returned to said Probate Judge with the following Certificate indorsed thereon, to wit:

State of Kansas, Shawnee County, SS.-

I, Rev. E. S. Corn, do hereby certify that in accordance with the authorization of the within license, I did on the sixth day of April, A. D. 1873, at Topeka, in said County, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.

E. S. Corn.

Attest:

D. C. Metzker,
Probate Judge.

I, [illegible] and as Probate Clerk of the Probate Court within and [illegible] certify that [illegible] do hereby certify that [illegible] the original [illegible]

countyto Joseph Lacy and Matilda Bernburg, the original marriage license issued by said Judge to William Rose and Matilda Lacy, and of the original returns endorsed on said licenses by the persons performing the marriage ceremony as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka, this 5th day of April, 1902.

W. E. Fagan, Probate Judge.

(Seal)

Also a certificate which is as follows:

Topeka, Kansas, April 8, 1902.

State of Kansas,)
Shawnee County.) ss,

I, F. L. Stephens, Reg. of Deeds of above named county and state, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, from F. L. Crane, on the 2d day of June, 1874, and further show that she disposed of Lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, to one Lutitia Freeman on the 16th day of June, 1874.

Witness my hand and seal of office this 8th day of April, A. D. 1902.

F. L. Stephens,

(Seal and stamp) Reg. of Deeds Shawnee County, State of Kansas.

The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John J. Rose, of Douglas County, Kansas, to Emma Pollard, Douglas County, Kansas, dated June 28, 1867.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedman cases: D-474, D-511, D-520, D-518, D-521, D-504, D-477, D-516, D-517, D-515, D-882, D-885, and in the case at bar, D-614.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of April, 1902.

Phillip Porter

Notary Public.

F. D. 391.

To be filed with F. D. 392.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 17, 1908.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee freedman.

Cherokee Nation appears by F. T. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December, 26, 1866? up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., a few days, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Hackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Skyler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the hack of meat which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Boy missed almost immediately, and learning that Hackey had taken it, and was then on his way home with it, (Hackey resides near Fort Scot mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Hargrove was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and R. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hartley had a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which cut out over the liver, in the side of the back. This wound bore evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Bill Lisclby, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he had his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for, he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford; and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one. Have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Sullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mack y again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man holloa; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Morris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Harrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated the man in the Indian, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867 as follows:

"Eli Mackey, colored, accused of the murder of Byer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Byer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles F. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran freely across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer had secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before he died he owned he was guilty of the murder of Mr. Hayford, but having been present in the fatal affair, he confessed to having committed the deed himself. He also confessed to having killed [illegible] and to having shot at Major Hayford last winter. His [illegible] proved that he has always been a character with [illegible] the annals of history for depravation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost and so [illegible] of humanity.

As a general rule, we have always condemned the taking of life except by the process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found [illegible] that some extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We [illegible] that the house he occupied was since burned to the ground. The officers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of [illegible] that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the remains of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Hockey and Harry Vann - on the brother was murdered the murderer and the other charged with furnishing revolvers and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your residence? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '68, December? A I have lived there ever since '68.
Q Did you know Dyer Hayfrost? A Yes, sir.
Q Had you known him before December '68? A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the month; yes, sir he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him and was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Bill Vann.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? A Yes, sir.
Q Who arrested him? A Myself and a man named Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, or stir in February, 26th I think it was.
Q Of February following, of '97? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him?
A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched sands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Hackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Hackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any. Hackey in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match And he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, Hir and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. WHEATCROFT: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 36.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of last year?
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the meen time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him?
A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks or six weeks from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was supposed to be a Cherokee colored man? A He was called a Cherokee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
QUESTION: You are positive about the date? A To the best of my knowledge here, I would have sworn that it was a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.
Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-710, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal) (Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans.

Subscribed and sworn to before me this 23rd day of July, 1902.

P. G. Reuter

Notary Public.

N. D-514.

To be filed with C. F. D. 885, Cora Morris.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 22, 1902.

In the matter of the application of Charles C. Smith et al for enrollment as Cherokee freedmen.

TESTIMONY IN BEHALF OF APPLICANTS.

SUPPLEMENTAL TO D-514.

APPEARANCES:
LEWIS T. BROWN, representing Mellette & Smith, for applicants.
E. F. HASTINGS, for Cherokee Nation.

SAM WEBBER, being first duly sworn, testified as follows:

MR. BROWN: State your name? A Sam Webber.
Q What's your age? A About 58 somewhere.
Q Your postoffice address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Charles C. Smith, the applicant? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q Do you know her mother? A Yes, sir.
Q What was her mother's name? A Her name was, we called her Aunt Tilda Dannenberg.
Q Do you know what her name was before she went by the name of Dannenberg? A That's the name I knowed her by.
Q Do you know what her second name was? A She went by the name of Tilda Bacey before she died.
Q Do you know when she returned to the Cherokee Nation after the close of the war? A I don't know just what month she returned; I know when I seen her.
Q Please state when it was? A Why I saw her along just about Christmas in '66.
Q Now Mr. Webber go ahead and state the circumstances of your seeing this woman at that time, and what, if anything, you done? A Why I went down to Lightning Creek, and I live about did live about ten or fifteen miles from Lightning, and I went down there to see this Harry Still, and I heard she was there when them there, she had got a little claim, this claim that Harry Still bought from them afterwards, and she was there, her and her children.
Q Who else was there? A Why, see Harry Still and Mariah Hayden, and we used to call Aunt Mariah's daughter Puss then was all the name I knowed her by.
Q What's her name now? A I declare I never could give any name only Puss.
Q What's her husband's name? A Buckner.
Q George Buckner? A Yes, sir.
Q Anyone else there? A Why this Andy Rider was there, and this Smith's wife.
Q Charley Smith's wife? A Yes, sir, and her sister, and a little

boy we called Jim.
Q Do you know John Rose? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q Was she there? A Yes, sir, she was a girl then.
MR. HASTINGS: If Mariah Hayden testified before the Chambers Court in her application or set forth in her application before the Chambers Court that she never came here till '67 when she made application in '78, she was mistaken then was she?
MR. BROWN: Wait a minute; it is objected to for the reason that it is assuming a fact not proven.
COMMISSION: Objection will be noted; answer the question, Mr. Webber.
Witness: She must have been mistaken if she testified that.
MR. HASTINGS: When were you married? A I was married along after Christmas.
Q What year? A '67.
Q How long after Christmas? A Why it wasn't long after, not very long after.
Q What women came down with you in the fall of '66? ~~In the fall~~
Q Yes, sir. Was there any women? A Yes, sir, let me see now, if I could tell you; there was a girl they called Celia Fox.
Q Anybody else? A And Dick Thurman's daughter, thpy called her Hannah.
Q Who else? A And then there was the Sanderses women, and the Meigses women.
Q Well was Rube Sanders down here before? A Yes, sir, he was too, I know he was.
Q Well then you come as he come did you? A Yes, sir, and he come as I come.
Q All come along together? A All come along together.
Q And that was in the fall of '66? A Yes, sir, we come in the summer, and went back, and then come again, and come again in the fall.
Q You went back and come back in March of '67? A I went up there and married.
Q Well I will ask you if it is not a fact that not a single woman nor a single child come here and located north of the Frisco Road and east of the M. K. & T. in the winter of '66; did you have a house up there? A Yes, sir.
Were you living in your house? A I built a house in the summer when I come down here.
Q Was Aaron Wright living up there? A No, he wasn't living there; he come, well he come down and lived there after we moved there.
Q Well but was he living there on Lightning Creek near Mariah Whitmire when you went over there and when you saw this woman? A Oh, when I saw that woman he was living there.
Q He was living there was he? A He moved there in the spring; he lived on the place where Jim Martin lives now, just right in the neighborhood, and made a crop on the old farm there without any fence.
Q What spring was that? A In the fall of '67 he moved down to Lightning Creek.
Q But when did he move to the Cherokee Nation with his family? A Aaron Wright?
Q Yes, sir. A Why he come in the winter.
Q Well of what year? A Along in '67 when Aaron Wright come.

Q Well what time in '67? A In the winter.
Q Well was it in the early winter or was it in December; was it January of '67 or was in December of '67? A I went back up there and married and then he come down here just after that and been there ever since.
Q Well when did Lewis Whitmire come? A Come with us.
Q Come along as you come did he? A Yes, sir.
Q Then you come, Lewis come? A Yes, sir.
Q Did you come as Rose Whitmire come? A Yes, sir, he was one of our crowd.
Q And Reuben Sanders come at the same time? A Yes, sir, he had one of our crowd.
Q Whenever they come you come? A Yes, sir.
Q I mean when they moved their families, is that the time your families came; that is your father's family? A Yes, sir, what's what I am talking about.
Q And it was after this that I ask you now that you spoke of, this Dannenberg or Matilda Dannenberg, it was after that, was it? A That was before that, before I married, you know.
Q It was before you married? A Yes, sir.
Q That you saw her? A Yes, sir.
Q But it was after you had come down here? A Of course.
Q Well it was after these women had come down here? A Yes, sir.
Q And it was after Lewis Whitmire had come down with his family? A Yes, sir, Lewis had no family then.
Q Well it was after Rose had come with his family? A Yes, sir.
Q It was after your folks had come? A Father had no family only we boys.
Q Well it was after you had all come? A Yes, sir.
Q Marich Hayden was down here at that time? A Yes, sir, she was down there.
Q They were all down there, were they? A Yes, sir.
Q Do you belong to the Freedmen's Protective Association? A Yes, sir.
Q Are you one of the committee that's been around here for two or three months representing the Freedmen? A I stays here all the time.
Q I will ask you if you ain't a member of the committee down here representing them and looking after their interests? A I am here looking after all that I witness for.
MR. BROWN: Uncle Sam, you are on the roll of 1880? A Yes, sir.
Q Lewis Whitmire, Rose Whitmire, Aaron Whitmire, Reuben Sanders, are on the roll of 1880? A Yes, sir.
MR. HASTINGS: The Cherokee Nation asks that the testimony introduced by the Cherokee Nation in the case of Ed Wright, the same being Freedmen Doubtful 418, as to the time of the return of the Whitmires, also the testimony of Aaron Webber, together with the testimony introduced by the Cherokee Nation in the case of Aaron Webber, being F. D. 418, be introduced and made a part of the record in this case. The Cherokee Nation also asks that the testimony of Reuben Sanders, as well as all of the testimony introduced by the Cherokee Nation in the case of Elizabeth Reid, the same being

Freedmen Doubtful 791, be introduced and made a part of the record in this case.

COMMISSION: The above testimony and proceedings will be filed in the following Freedmen cases: D-514, the same being the case at bar, that of Charles C. Smith; D-474, John J. Rose, D-511, Emily Nolen, D-515, Pearl Smith, D-516, Matilda Smith, D-882, Elnora Smith, D-883, Cora Morris; also in Cherokee Freedmen cases D-517, D-518, D-520, D-521 and D-804.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 3rd day of July, 1903.

(Seal)

(Signed) P. C. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 24th day of July, 1903.

Bruce E. Jones
Notary Public.

Freed. D-514.
File with Cherokee Freedman D- 888, Cora Morris.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 31,1902.

In the matter of the application of Jane C. Smith for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mellette & Smith; Cherokee Nation by J. S. Davenport. Testimony in behalf of applicant.

Frank Ross, being sworn and examined, testified as follows:

By. Mr. Smith: State your name? A Frank Ross.
Q How old are you? A 54.
Q Where do you live? A On Lightning Creek, Cherokee Nation.
Q You know Charles C. Smith? A Yes sir, I know him.
Q Do you know his wife? A Yes,sir.
Q What is her name? A Jane.
Q Where do they live, Mr. Ross? A They live up on Hickory Creek, the last time I was up there.
Q In the Cherokee Nation? A Yes sir.
Q How long have they been living there? A They have been living there a good long while.
Q A Good many years? A Yes,over 21 years.
Q Who was Malinda Dannenberg? A His girls' mother.
Q The mother of Jane? A Yes sir.
Q When did you first see Malinda Dannenberg after the war? A In the winter of '66 on Lightning Creek.
Q Was it before Christmas? A Yes sir.
Q Was it in December or November of '66, or do you know? A In December of '66, along about the first of it.
Q Who did she have with her? A She had three children with her, a boy and two girls.
Q Who were they, name them? A Jane, Jim, I forget the other ones name right now.
Q Was that the wife of this man Charles Smith? A Jane was the wife of Charles Smith. The other one is named Emma.
Q Who did she marry? A She married a man by the name of Rose.
Q What Rose? A John J. Rose.
Q What is her present name, what name does she go by now? A She married another man, I don't know his name.
Q Would you know it if you were to hear it? A Yes sir.
Q Was it Nolan? A Yes sir.
Q Her name is Emily Nolan? A Yes sir.
Q Where did you see them? A On Lightning Creek.
Q What were they doing there? A They were camped there.
Q Do you know how long they continued to stay there? A They were there when I left.
Q How long did you stay there? A I stayed there about four or five days.
Q Did you see them any more after that? A I saw them after that about four or five years after that.
Q Not until four or five years after that? A Yes sir.
Q Where did you live at that time? A I lived on Brice's Creek part of the time.
Q I mean at that time where were you living at the time you saw these people? A I was living on Brice's creek.
Q That is how far from Lightning Creek? A About 25 or 30 miles.

J. S. Davenport: You are a freedman citizen of the Cherokee Nation? A Yes sir.
Q You have been a witness in several of these claimant cases, freedmen cases, haven't you? A Yes sir.

Q Well now, how old were you when the war closed? A I was about twenty, I guess.
Q Where were you living at the close of the war? A I was in the army at the close of the war. I was mustered out in '65.
Q Where were you mustered out? A At Leavenworth, Kansas.
Q What regiment did you belong to? A 79th, Company H.
Q Had you known this Matilda Dannenberg before the war? A No sir.
Q You first met her on Lightning Creek? A Yes sir.
Q Who was living with her? A They were in a camp there.
Q I asked you who was living with her when you saw her? A Her children, three children.
Q Any men folks? A Harry Still.
Q Did they have a home there of any kind? A They did not have no home at that time, they just come down from Kansas then.
Q Do you know how long they stayed there? A Some of them is there yet.
Q Which some of them is there yet? A Mrs. Hayden and Harry Still is there.
Q Which of the people have continually resided there from '66 until the present time? A Jane and Jim and all of them.
Q Have they resided in the Cherokee Nation ever since '66, are you able to say they have? A Every time I saw them they were there, they never were out.
Q Don't you know they have lived out? A No, I don't know.
Q Don't you know John Rowe and Emily were married in the State of Kansas? A No sir.
Q Did you know her before? A Yes sir.
Q Before they were married? A Yes sir.
Q How many years did you see her before she and John were married? A Ten or fifteen years.
Q Before Emily Dannenberg and John Rose were married? A Yes.
Q You are sure? A Ten or fifteen years.
Q Did you ever see Emily before the war? A I told you I didn't know them before the war.
Q You think it was at least ten years after the war before she and John were married? A I guess so.
Q Do you know anything about it? A Yes sir.
Q If you know anything about their marriage you know they were married in '67? A I didn't see them when they got married.
Q The record of the Court shows they were married in '67? A I wasn't there when they were married.
Q It could not have been ten years from the time you saw her when she and John were married, could it? You don't remember a thing about that until you were called on at the tale end of this business A Yes sir.
Q Why, don't you know they were married in '67? A Because I wasn't there.
Q Were you living on Lightning Creek when they were living there?
Mr. Smith: I object to that.
Commission: Answer his question.
A All the folks that were living there knowed I was living there.
Q They had a name, who were they? A Moses Wright, Nelson Murrell.
Q Was Nelson Murrell living on Lightning Creek in '66? A Nelson Wright and Lewis Whitmire were living there.
Q They do not claim to have lived on Lightning Creek until after '66; they were living on Big Creek then? A They had built their houses there in '66.
Q They claimed to have built a house there in 1866, does their testimony show that? A I never seen their testimony.
Q Don't you know they claim they came down here in the fall of '66 and stopped on the Verdigris and made a crop and then came over on Big Creek and then in '67 came to Lightning Creek? A I don't know, it was '66 when I seen them up there.
Q Where was Charles Smith and his wife Mary? A I don't know.

Q Where were they living when they married? A I don't know.
Q Did you ever know them before they were married? A Yes sir, I knowed the girl.
Q What was the girls name? A Jane.
Q Where did you know her? A I knowed her on Lightning Creek and on the bend in there.
Q What bend? A Goosenock Bend.
Q It is some distance from Goosenock Bend to Lightning Creek? A About fifteen miles.
Q How big a girl was she when you knew her? A She was a big girl about 12 or 18 years old.
Q Was she living in a house up there? A She was living in a tent when I seen her.
Q How often did you see her? A I saw her lots of time. I never saw her but once in '66.
Q How long after that until you saw her again? A About four or five years.
Q They weren't living in a house when you saw them first? A They were living in a house then.
Q You never seen her until after '66? A I hadn't seen her until I saw her after that.
Q When did you see her when she was living in a house? A It was along about '73 or '4.
Q When did you see her mother, Matilda; was her mother living in the Cherokee Nation, living in a house? A I saw her living in a house along in '70.
Q When did you see Emily Nolan living in a house in the Cherokee Nation? A I saw them living with their mother.
Q How did it happen that you were going through that country in '66 and remember seeing those people in a tent? A I was hunting a place.
Q In '66? A Yes, and am living there yet.
Q You were living on Pryor Creek? A Yes sir.
Q And you changed your locality and went up there, there wasn't hardly anyone living on Pryor Creek? A There wasn't many.
Q Whose place did you pass when you went to Lightning Creek from Pryor Creek? A There wasn't any one living there. The country was all wild up there then.
Q And you just happened to go out in that unsettled country away from where you lived to locate your place? A Yes sir.
Q There was plenty of vacant land along Pryor Creek was there not? A Yes.
Q There was plenty along Verdigris? A I didn't want to go on the Verdigris.
Q There was plenty of vacant land there? A Yes.
Q And plenty of it along Big Creek? A Yes, I didn't get on Big Creek.
Q That part of Lightning Creek did you see these people pass? A Rachel Glass' place.
Q Is that the place Harry Still afterwards bought? A No sir, he didn't buy that place.
Q Then you have no recollection of seeing these people living in the Cherokee Nation or camping out in the Cherokee Nation until along in the '70's? A Somewhere along there.
Q You don't know what they did in '66 when you saw them there, whether they stayed there or whether they went away? A No sir.
Q What makes you remember it was '66? A It was after I was mustered out of the service in '66 and I came back home after that.
Q It was the year after you were mustered out? A Yes sir.
Q What year did you locate your farm up on Lightning Creek? A '73.
Q Well, it took you quite a long while, about five years to locate your claim up on Lightning Creek? A Yes, but I wasn't on Brice Creek.
Q You didn't get your claim located on Lightning Creek until '71? A I went up there and took my claim.

Q You didn't locate your claim then in '71? A I didn't make no house on it in '66. I didn't do anything on it then, I went over it, I wanted to see what it looked like.
Q It looked like a wilderness? A Yes.
Q And you left it five years before you went back? A Yes sir, there wasn't anybody but a few old settlers, the Whitmires were there
Q Name a Cherokee or white man that lived there? A There wasn't any lived there then. There is not many now.
Q Did the Whitmires have their women folks there when you were there in '66? A Aunt Mariah Hayden was there.
Q What month was this in '66? A Along before Christmas.
Q You said a while ago it was in December? A Yes, December is before Christmas; Christmas is in December.
Q What makes you remember it was before Christmas? A Because it was getting cold, it was getting winter.
Q Why doesn't it get cold right after Christmas? A Yes, sometimes it gets cold before Christmas.
Q You want to get it before Christmas so as to be sure to get it within the treaty that they were there? A No, that was the time we was there.
Q Did you have a conversation with them as to their having been freedmen? A Yes, I knowed them before the war and I talked with them.
Q You stayed all night with them? A I stayed all night with Nelson Whitmire.
Q Is he living or dead? A He is dead, his wife is living.
Q Well, you don't know where Charley Smith and his wife have been living since that time? A Living on California Creek.
Q All the time since '66? A Every time I have seen them.
Q Have they always resided in the Cherokee Nation since '66? A I couldn't say that, they might have gone out somewhere; every time I saw them they were here.
Q When did you first get acquainted with Charles Smith? A It has been a long time.
Q Was it in '66? A I didn't know him until after he married this woman.
Q Was he a freedman too? A I don't know.
Q Don't xx you remember him as well as meeting his wife? A Yes sir.
Q Well what year did you meet Charley Smith? A I don't remember.
Q Why can't you remember him you remember his wife? A Because I remember it being directly after the war.
Q You remember because he married a girl out in the prairie, out in a camp? A I didn't say anything about in the prairie. I said it was on the forks ~~X~~ of the Creek.
Q You remember his wife because you had met her out there? A Yes.
Q Why can't you remember the year he and his wife married? A Because I wasn't there, I don't know when they married.
Q You weren't there when they came in on that Creek were you? A Yes sir.
Q You said they were there on the Creek when you got there? A The family was there. I didn't say Charley was there.
Q You weren't there when they left either were you? A I wasn't there then.
Q You don't know anything about it except the little point of '66? A Oh, yes.
Q In later years you have seen them but you didn't see them from '66 until up in '71, you never saw one of his family living up in the Cherokee Nation on Lightning Creek? A I never said I saw them on Lightning Creek in '70. I seen them up on the ~~xxxx~~ bend pretty near every year.
Q What year did you see them most from '66 and up to '71 at celebrations? A I saw them in '70 all along.
Q Then there was a period of five or six years you didn't know where they were? A Yes.
Q Was she married when you saw them there in 1871? A I don't know, she may have been.

Q When did you first see Charley and found out that he claimed to have married this girl? A It was a good while after that.
Q Was it as late as '80? A Before that, it was along in '77 or '78.
Q When did you first see this Emily and know that John Rowe and she were married? A About the same time.
Q About '77 or '8? A Somewhere along there.
Q Did you ever know of these parties living at Lawrence, Kansas, and Topeka, Kansas? A I never was there; I come through there.
Q Did you ever know of this family living there? A No sir.
Q Did you know John Rowe before he and Emily were married? A Me and him soldiered together.
Q You were both mustered out in Kansas? A Yes.
Q Did you ever see John Rowe from the time that you learned that he and Emily had married? A No, when I seen him he said he was married
Q Did you separate from Rowe in the Cherokee Nation or in the state after you and he were mustered out? A We separated at Leavenworth.
Q How far is Leavenworth from Lawrence? A I don't know how far it is. It ain't very far.
Q You made the trip didn't you? A But I didn't know how far.
Q You have no idea what the distance is? A No sir.
Q When you were mustered out and came down to the Cherokee Nation, do you know whether John had ever met Emily at that time? A I don't know, I left him at Leavenworth.
Q After you met him in the Indian Territory did you have any conversation as to where they had been living before they came to the Cherokee Nation? A No sir, never had no such conversation. They told me they lived on California Creek when I first saw them.
Q Where did they say they were living from the time you and John separated at Leavenworth, Kansas, up until the time you learned he and Emily had married? A He never told me where he was living.
Q Do you mean that we should understand that you had soldiered with a man and been mustered out with him and then separated from him and hadn't seen him for 9 years or about that time and then when you met again you didn't ask as to where he had been during the interval? A No, he never told me and I never asked him.
Q You and John Rowe weren't very intimate soldiers? A We were always good friends.
Q Did Rowe ask you where you had been living? A Not that I know of.
Q You then didn't discuss the subject of residence between you? A Not that I recollect; I don't think he asked me.
Q What month of the year were you mustered out? A In October.
Q Of what year? A Of '65.
Q What year was the Wallace roll made? A Along in '80, some time in '86 I believe.
Q Why can't you remember the exact year the Wallace Roll was made, you remember '66? A Because I remember '66 is because I was mustered out in '66.
Q You drew money from the Wallace roll, why can't you remember that just as well as the year '66? A I don't know.
Q What year was the Kern Clifton roll made? A Along about '89 some where.
Q How far do you live from Charley Smith now? A He lives up on Hickory Creek.
Q About how far is it? A About 25 miles.
Q Has he ever lived any closer to you since he came to the Cherokee Nation than that? A No sir.
Q How far did you live from John Rowe's? A He lives near Lenapah, about the same distance.
Q Did he ever live any closer to you than that? A No sir.
Q Then you haven't been seeing them very often since they came? A I seen them sometimes every year and sometimes twice a year when we have meetings up on the bend.

Q You were at Chelsea and Nowata and nearly all the places where the Commission was the past year? A Sometimes a day and a half a day.
Q You were there when Charles Smith made his application? A I don't think I was. I saw him there at Chelsea.
Q Did he call you as a witness? A He called me, but he didn't use me.
Q How did that happen? A I don't know.
Q It happened because you didn't know anything that would benefit him? A Just as much as I know now.
Q You didn't tell him then what you know now and what you are telling here to-day? A Yes, I did.
Q How did it happen that he didn't use you then? A I don't know.
Q You waited until the last day before you came? A I didn't know this was the last day.
Q You don't mean to say that you didn't know this was the last day fixed by the Commission? A Is this the last day?
Q Do you mean to say you didn't know? A I heard it was the last day, but I don't know it.
Q And you waited until that day to come and testify? A I have been here ever since Wednesday and have been waiting on you fellows.
Q We have been ready to take it any time? A I don't know.
Q . Have you been denied since you came here that we would not take your testimony? A I don't know.
Q Have you asked that you might give your testimony that you might go home? A I was waiting until they called it up.
Q You knew when you came here Wednesday that you weren't expected t testify until today? A No sir, I didn't.
Q And you didn't want to testify until today and not until this afternoon? A I was willing to testify the first day I come here so I could have been home.
Q Who did you ask? A I didn't ask nobody.
Q Been around the Commission room continuously ever since you came? A Not ever since I been here, I have been sick half the time down at the hotel.
Q Who was Chief when you were up there in '66 and saw these people camping? A Bill Ross was acting as chief then.
Q You weren't up there hunting horses like L. D. Daniels, were you? A Lewis Daniels was elected chief after that.

(REDIRECT)

Q How is the health of the people generally in that country? A My health has not been very good.
Q Do you know whether this paper was handed in Thursday that you be called to testify in this case, or not? A No sir, I donot know.

The applicant offered in evidence a certified copy of marriage record taken from the marriage records of Cooweescoowee District, Cherokee Nation, certified to by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation.

J. S. Davenport: The representative of the Cherokee Nation objects to the introduction of the paper offered in evidence because it does not purport to be a certified copy of any regular marriage record kept, does not purport to be a copy of the license recorded or the certificate of the Minister or other officer solemnizing the same. The representative of the Cherokee Nation further objects to the document offered because that it is immaterial and incompetent and not a record which can be proven by a certified copy, it not being a record entered by official of the nation while in his official capacity, or which purports to be an official act, but is simply a record stating what the recollection of a man who was at some time clerk, remembers about a certain marriage, and because of the further fact that the Clerk has no power whatever and never did under the Cherokee law, by his unlawful acts, have the right to admit to citizenship anyone by violating the law and issuing to them a marriage license.

Commission: The document will be filed and considered for what it may be worth.

7-Jane C. Smith et al.

This testimony will also be filed in the following freedmen cases:

D-882, Elnora Smith; D-883, Cora Morris;
D-515, Pearl Smith; D-516, Matilda Smith;
D-511, Emily Nolen et al; D-474, John J. Rose et al;
D-517, Mary Blackburn et al; D-518, Charles Rose;
D-520, James Colbert; D-521, Geneva Lynch et al;
D-804, William Rose;

as well as in the case at bar, the same being that of Jane Smith for the enrollment of herself and children, D-514.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter,
Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 20th day of August, 1902.

B C Jones
Notary Public.

Freed. D-514.
File with Cherokee Freedman D- 622, Minnie Smith.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 31,1902.

In the matter of the application of Jane C. Smith for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mellette & Smith; Cherokee Nation by J. S. Davenport. Testimony in behalf of applicant.

Frank Ross, being sworn and examined, testified as follows:

Ex. Mr. Smith: State your name? A Frank Ross.
Q How old are you? A 54.
Q Where do you live? A On Lightning Creek, Cherokee Nation.
Q You know Charles C. Smith? A Yes sir, I know him.
Q Do you know his wife? A Yes sir.
Q What is her name? A Jane.
Q Where do they live, Mr. Ross? A They live up on Hickory Creek, the last time I was up there.
Q In the Cherokee Nation? A Yes sir.
Q How long have they been living there? A They have been living there a good long while.
Q A Good many years? A Yes, over 21 years.
Q Who was Malinda Dannenberg? A His girls' mother.
Q The mother of Jane? A Yes sir.
Q When did you first see Malinda Dannenberg after the war? A In the winter of '66 on Lightning Creek.
Q Was it before Christmas? A Yes sir.
Q Was it in December or November of '66, or do you know? A In December of '66, along about the first of it.
Q Who did she have with her? A She had three children with her, a boy and two girls.
Q Who were they, name them? A Jane, Jim, I forget the other ones name right now.
Q Was that the wife of this man Charles Smith? A Jane was the wife of Charles Smith. The other one is named Emma.
Q Who did she marry? A She married a man by the name of Rose.
Q What Rose? A John J. Rose.
Q What is her present name, what name does she go by now? A She married another man, I don't know his name.
Q Would you know it if you were to hear it? A Yes sir.
Q Was it Nolan? A Yes sir.
Q Her name is Emily Nolan? A Yes sir.
Q Where did you see them? A On Lightning Creek.
Q What were they doing there? A They were camped there.
Q Do you know how long they continued to stay there? A They were there when I left.
Q How long did you stay there? A I stayed there about four or five days.
Q Did you see them any more after that? A I saw them after that about four or five years after that.
Q Not until four or five years after that? A Yes sir.
Q Where did your live at that time? A I lived on Brice's Creek part of the time.
Q I mean at that time where were you living at the time you saw these people? A I was living on Brice's creek.
Q That is how far from Lightning Creek? A About 25 or 30 miles.
J. S. Davenport: You are a freedman citizen of the Cherokee Nation? A Yes sir.
Q You have been a witness in several of these claimant cases, freedman cases, haven't you? A Yes sir.

Q Well now, how old were you when the war closed? A I was about twenty, I guess.
Q Where were you living at the close of the war? A I was in the army at the close of the war. I was mustered out in '66.
Q Where were you mustered out? A At Leavenworth, Kansas.
Q What regiment did you belong to? A 79th, Company H.
Q Had you known this Matilda Dannenberg before the war? A No sir.
Q You first met her on Lightning Creek? A Yes sir.
Q Who was living with her? A They were in a camp there.
Q I asked you who was living with her when you saw her? A Her children, three children.
Q Any men folks? A Harry Still.
Q Did they have a home there of any kind? A They did not have no home at that time, they just come down from Kansas then.
Q Do you know how long they stayed there? A Some of them is there yet.
Q Which some of them is there yet? A Mrs. Hayden and Harry Still is there.
Q Which of the people have continually resided there from '66 until the present time? A Jane and Jim and all of them.
Q Have they resided in the Cherokee Nation ever since '66, are you able to say they have? A Every time I saw them they were there, they never were out.
Q Don't you know they have lived out? A No, I don't know.
Q Don't you know John Rowe and Emily were married in the State of Kansas? A No sir.
Q Did you know her before? A Yes sir.
Q Before they were married? A Yes sir.
Q How many years did you see her before she and John were married? A Ten or fifteen years.
Q Before Emily Dannenberg and John Rose were married? A Yes.
Q You are sure? A Ten or fifteen years.
Q Did you ever see Emily before the war? A I told you I didn't know them before the war.
Q You think it was at least ten years after the war before she and John were married? A I guess so.
Q Do you know anything about it? A Yes, sir.
Q If you know anything about their marriage you know they were married in '67? A I didn't see them when they got married.
Q The record of the Court shows they were married in '67? A I wasn't there when they were married.
Q It could not have been ten years from the time you saw her when she and John were married, could it? You don't remember a thing about that until you were called on at the tale end of this business A Yes sir.
Q Why, don't you know they were married in '67? A Because I wasn't there.
Q Were you living on Lightning Creek when they were living there?
Mr. Smith: I object to that.
Commissioner: Answer his question.
A All the folks that were living there knowed I was living there.
Q They had a name, who were they? A Rose Wright, Nelson Murrell.
Q Was Nelson Murrell living on Lightning Creek in '66? A Nelson Wright and Lewis Whitmire were living there.
Q They do not claim to have lived on Lightning Creek until after '66; they were living on Big Creek then? A They had built their houses there in '66.
Q They claimed to have built houses there in 1866, does their testimony show that? A I never seen their testimony.
Q Don't you know they claim they came down here in the fall of '66 and stopped at the Verdigris and made a crop and then moved over on Big Creek and then in '67 came on Lightning Creek? A I don't know, it was '66 when I saw them up there.
Q Where was Jane Smith and Jim when they were married? A I don't know.

Q Where were they living when they married? A I don't know.
Q Did you ever know them before they were married? A Yes sir, I knowed the girl.
Q What was the girls name? A Jane.
Q Where did you know her? A I knowed her on Lightning Creek and on the bend, in there.
Q What bend? A Gooseneck Bend.
Q It is some distance from Gooseneck Bend to Lightning Creek? A About fifteen miles.
Q How big a girl was she when you knew her? A She was a big girl about 17 or 18 years old.
Q Was she living in a house up there? A She was living in a tent when I seen her.
Q How often did you see her? A I saw her lots of time. I never saw her but once in '66.
Q How long after that until you saw her again? A About four or five years.
Q They weren't living in a house when you saw them first? A They were living in a house then.
Q You never seen her until after '66? A I hadn't seen her until I saw her after that.
Q When did you see her when she was living in a house? A It was along about '73 or '4.
Q When did you see her mother, Matilda; was her mother living in the Cherokee Nation, living in a house? A I saw her living in a house along in '70.
Q When did you see Emily Nolan living in a house in the Cherokee Nation? A I saw them living with their mother.
Q How did it happen that you were going through that country in '66 and remember seeing those people in a tent? A I was hunting a place.
Q In '66? A Yes, and am living there yet.
Q You were living on Pryor Creek? A Yes sir.
Q And you changed your locality and went up there, there wasn't hardly anyone living on Pryor Creek? A There wasn't many.
Q Whose place did you pass, when you went to Lightning Creek from Pryor Creek? A There wasn't any one living there. The country was all wild up there then.
Q And you just happened to go out in that unsettled country away from where you lived to locate your place? A Yes sir.
Q There was plenty of vacant land along Pryor Creek was there not? A Yes.
Q There was plenty along Verdigris? A I didn't want to go on the Verdigris.
Q There was plenty of vacant land there? A Yes.
Q And plenty of it along Big Creek? A Yes, I didn't get on Big Creek.
Q What part of Lightning Creek did you see these people pass? A Rachel Glass' place.
Q Is that the place Harry Ftili afterwards bought? A No sir, he didn't buy that place.
Q Then you have no recollection of seeing these people living in the Cherokee Nation or camping out in the Cherokee Nation until along in the '70's? A Somewhere along there.
Q You don't know what they did in '66 when you saw them there, whether they stayed there or whether they went away? A No sir.
Q What makes you remember it was '66? A It was after I was mustered out of the service in '66 and I came back home after that.
Q It was the year after you were mustered out? A Yes sir.
Q What year did you locate your farm up on Lightning Creek? A '73.
Q Well, it took you quite a long while, about five years to locate your claim up on Lightning Creek? A Yes, but I wasn't on Brize Creek.
Q You didn't get your place located on Lightning Creek until '71? A I went up there and took my claim.

Q You didn't locate your claim then in '71? A I didn't make no house on it in '66. I didn't do anything on it then, I went over it, I wanted to see what it looked like.
Q It looked like a wilderness? A Yes.
Q And you left it five years before you went back? A Yes sir, there wasn't anybody but a few old settlers, the Whitmires were there
Q Name a Cherokee or white man that lived there? A There wasn't any lived there then. There is not many now.
Q Did the Whitmires have their women folks there when you were there in '66? A Aunt Mariah Hayden was there.
Q What month was this in '66? A Along before Christmas.
Q You said a while ago it was in December? A Yes, December is before Christmas; Christmas is in December.
Q What makes you remember it was before Christmas? A Because it was getting cold, it was getting winter.
Q Why doesn't it get cold right after Christmas? A Yes, sometimes it gets cold before Christmas.
Q You want to get it before Christmas so as to be sure to get it within the treaty that they were there? A No, that was the time we was there.
Q Did you have a conversation with them as to their having been freedmen? A Yes, I knowed them before the war and I talked with them.
Q You stayed all night with them? A I stayed all night with Nelson Whitmire.
Q Is he living or dead? A He is dead, his wife is living.
Q Well, you don't know where Charley Smith and his wife have been living since that time? A Living on California Creek.
Q All the time since '66? A Every time I have seen them.
Q Have they always resided in the Cherokee Nation since '66? A I couldn't say that, they might have gone out somewhere; every time I saw them they were here.
Q When did you first get acquainted with Charles Smith? A It has been a long time.
Q Was it in '66? A I didn't know him until after he married this woman.
Q Was he a freedman too? A I don't know.
Q Don't xx you remember him as well as meeting his wife? A Yes sir.
Q Well what year did you meet Charley Smith? A I don't remember.
Q Why can't you remember him you remember his wife? A Because I remember it being directly after the war.
Q You remember because he married a girl out in the prairie, out in a camp? A I didn't say anything about in the prairie. I said it was on the forks x of the Creek.
Q You remember his wife because you had met her out there? A Yes.
Q Why can't you remember the year he and his wife married? A Because I wasn't there, I don't know when they married.
Q You weren't there when they came in on that Creek were you? A Yes sir.
Q You said they were there on the Creek when you got there? A The family was there. I didn't say Charley was there.
Q You weren't there when they left either were you? A I wasn't there then.
Q You don't know anything about it except the little point of '66? A Oh, yes.
Q In later years you have seen them but you didn't see them from '66 until up in '71, you never saw one of his family living up in the Cherokee Nation on Lightning Creek? A I never said I saw them on Lightning Creek in '70. I seen them up on the xxxx bend pretty near every year.
Q What year did you see them most from '66 and up to '71 at celebrations? A I saw them in '70 all along.
Q Then there was a period of five or six years you didn't know where they were? A Yes.
Q Was she married when you saw them there in 1870? A I don't know, she may have been.

Q When did you first see Charley and found out that he claimed to have married this girl? A It was a good while after that.
Q Was it as late as '80? A Before that, it was along in '77 or '78.
Q When did you first see this Emily and know that John Rowe and she were married? A About the same time.
Q About '77 or '8? A Somewhere along there.
Q Did you ever know of these parties living at Lawrence, Kansas, and Topeka, Kansas? A I never was there; I come through there.
Q Did you ever know of this family living there? A No sir.
Q Did you know John Rowe before he and Emily were married? A Me and him soldiered together.
Q You were both mustered out in Kansas? A Yes.
Q Did you ever see John Rowe from the time that you learned that he and Emily had married? A No, when I seen him he said he was married
Q Did you separate from Rowe in the Cherokee Nation or in the state after you and he were mustered out? A We separated at Leavenworth.
Q How far is Leavenworth from Lawrence? A I don't know how far it is. It ain't very far.
Q You made the trip didn't you? A But I didn't know how far.
Q You have no idea what the distance is? A No sir.
Q When you were mustered out and came down to the Cherokee Nation, do you know whether John had ever met Emily at that time? A I don't know, I left him at Leavenworth.
Q After you met him in the Indian Territory did you have any conversation as to where they had been living before they came to the Cherokee Nation? A No sir, never had no such conversation. They told me they lived on California Creek when I first saw them.
Q Where did they say they were living from the time you and John separated at Leavenworth, Kansas, up until the time you learned he and Emily had married? A He never told me where he was living.
Q Do you mean that we should understand that you had soldiered with a man and been mustered out with him and then separated from him and hadn't seen him for 9 years or about that time and then when you met again you didn't ask as to where he had been during the interval? A No, he never told me and I never asked him.
Q You and John Rowe weren't very intimate soldiers? A We were always good friends.
Q Did Rowe ask you where you had been living? A Not that I know of.
Q You then didn't discuss the subject of residence between you? A Not that I recollect, I don't think he asked me.
Q What month of the year were you mustered out? A In October.
Q Of what year? A Of '65.
Q What year was the Wallace Roll made? A Along in '80, some time in '86 I believe.
Q Why can't you remember the exact year the Wallace Roll was made, you remember '66? A Because I remember '65 is because I was mustered out in '65.
Q You drew money from the Wallace Roll, why can't you remember that just as well as the year '66? A I don't know.
Q What year was the Kern Clifton roll made? A Along about '89 some where.
Q How far do you live from Charley Smith now? A He lives up on Hickory Creek.
Q About how far is it? A About 24 miles.
Q Has he ever lived any closer to you since he came to the Cherokee Nation than that? A No sir.
Q How far did you live from John Rowe's? A He lives near Lenapah, about the same distance.
Q Did he ever live any closer to you than that? A No sir.
Q Then you haven't been seeing them very often since they came? A I seed them sometimes every year and sometimes twice a year when we have meetings up on the pond.

Q You were at Chelsea and Nowata and nearly all the places where the Commission was the past year? A Sometimes a day and a half a day.
Q You were there when Charles Smith made his application? A I don't think I was. I saw him there at Chelsea.
Q Did he call you as a witness? A He called me, but he didn't use me.
Q How did that happen? A I don't know.
Q It happened because you didn't know anything that would benefit him? A Just as much as I know now.
Q You didn't tell him then what you know now and what you are telling here to-day? A Yes, I did.
Q How did it happen that he didn't use you then? A I don't know.
Q You waited until the last day before you came? A I didn't know this was the last day.
Q You don't mean to say that you didn't know this was the last day fixed by the Commission? A Is this the last day?
Q Do you mean to say you didn't know? A I heard it was the last day, but I don't know it.
Q And you waited until that day to come and testify? A I have been here ever since Wednesday and have been waiting on you fellows.
Q We have been ready to take it any time? A I don't know.
Q Have you been denied since you came here that we would not take your testimony? A I don't know.
Q Have you asked that you might give your testimony that you might go home? A I was waiting until they called it up.
Q You knew when you came here Wednesday that you weren't expected to testify until today? A No sir, I didn't.
Q And you didn't want to testify until today and not until this afternoon? A I was willing to testify the first day I come here so I could have been home.
Q Who did you ask? A I didn't ask nobody.
Q Been around the Commission room continuously ever since you came? A Not ever since I been here, I have been sick half the time down at the hotel.
Q Who was Chief when you were up there in '66 and saw these people camping? A Bill Ross was acting as chief then.
Q You weren't up there hunting horses like L. D. Daniels, were you? A Lewis Daniels was elected chief after that.

(REDIRECT)

Q How is the health of the people generally in that country? A My health has not been very good.
Q Do you know whether this paper was handed in Thursday that you be called to testify in this case, or not? A No sir, I dondt know.

The applicant offered in evidence a certified copy of marriage record taken from the marriage records of Cooweescoowee District, Cherokee Nation, certified to by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation.

J. S. Davenport: The representative of the Cherokee Nation objects to the introduction of the paper offered in evidence because it does not purport to be a certified copy of any regular marriage record kept, does not purport to be a copy of the license recorded or the certificate of the Minister or other officer solemnizing the same. The representative of the Cherokee Nation further objects to the document offered because that it is immaterial and incompetent and not a record which can be proven by a certified copy, it not being a record entered by official of the nation while in his official capacity, or which purports to be an official act, but is simply a record stating what the recollection of a man who was at some time clerk, remembers about a certain marriage, and because of the further fact that the Clerk has no power whatever and never did under the Cherokee law, by his unlawful acts, have the right to admit to citizenship anyone by violating the law and issuing to them a marriage license.

Commission: The document will be filed and considered for what it may be worth.

Department of Air Force
Washington 25, D.C.

Supplement to Air Force Manual 205-1

Subject: Photographic Reconnaissance

1. Purpose. This supplement provides information on photographic reconnaissance equipment and procedures.

2. Scope. This supplement covers the use of photographic equipment in the performance of reconnaissance missions.

3. Equipment. Photographic equipment is provided to the reconnaissance pilot in the form of a camera and film. The camera is a single-lens reflex camera with a focal length of 50 mm and a film format of 35 mm. The film is a black and white film with a speed of ASA 100.

4. Procedures. The pilot will load the film in the camera prior to flight. The camera will be set to the proper exposure and focus prior to flight. The pilot will take photographs of the target area at the prescribed altitude and speed. The film will be developed and processed by the photographic laboratory.

5. Limitations. The photographic equipment is subject to the following limitations:

a. The camera is not waterproof and should be protected from moisture.

b. The film is sensitive to light and should be protected from light.

c. The camera is not designed for use in extreme temperatures.

d. The film has a limited shelf life and should be used within the prescribed time.

6. Maintenance. The photographic equipment should be maintained in accordance with the manufacturer's instructions.

7. Safety. The photographic equipment should be handled with care to avoid damage to the equipment and injury to the operator.

8. Conclusion. The photographic equipment provided to the reconnaissance pilot is a valuable tool for the performance of reconnaissance missions. The pilot should be familiar with the equipment and procedures to ensure the successful performance of the mission.

Robert Albert Bentley
Colonel, USAF
Chief, Photographic Reconnaissance Division
Directorate of Plans
Deputy Chief of Staff, Operations

Attachment
Photographic Equipment Specifications

DECLASSIFIED

7-Jane C. Smith et al.

This testimony will also be filed in the following freedmen cases:

D-882, Elnora Smith;
D-515, Pearl Smith;
D-511, Emily Nolen et al;
D-517, Mary Blackburn et al;
D-520, James Colbert;
D-804, William Rose;
D-883, Cora Morris;
D-516, Matilda Smith;
D-474, John J. Rose et al;
D-518, Charles Rose;
D-521, Geneva Lynch et al;

as well as in the case at bar, the same being that of Jane Smith for the enrollment of herself and children, D-514.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter,
Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 20th day of August, 1902.

B B Jones
Notary Public.

Cher Fr D 884

Cher Fr D 884

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Maryland Beck for the enrollment of himself and 5 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

Q What is your name? A Maryland Beck.
Q What is your age? A 38 or 9.
Q What is your post-office? A Ruby.
Q What district do you live in? A Goowaescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and 5 children.
Q Are your five children under age and unmarried? A No sir.
Q Give me the names of those under age and not married? A Ida and Harvey.
Q Ida Beck? A Yes sir.
Q How old is Ida? A 12 years old.
Q How old is Harvey? A 10 years old.
Q Any others? A Yes, my other grown children.
Q You have just two not grown? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Minnie Beck.
Q Is she a citizen? A Yes sir.
Q Has she been enrolled? A Yes sir.
Q Is her name on the 1880 roll? A Yes sir.
Q Why didn't she enroll these children? A They are not hers.
Q She is not the mother of them? A No sir.
Q How many times have you been married? A 3 times.
Q What was your first wife's name? A Ibbie Mays.
Q Is she living? A No sir.
Q What was your second wife's name? A Mary Beck.
Q What was her name before you married her? A Mary Lett.
Q What is your wife's name? A Minnie.
Q What was her name before you married her? A Minnie Sanders.
Q Who is the mother of Ida Beck? A Mary Lett.
Q Who is the mother of Harvey Beck? A Mary.

BY MR. SMITH:

Q Mr. Beck, who are your witnesses? A Sam Webber, Allen Lynch, Jack Landrum, John Baldridge.
Q Mr. Beck, were you a slave before the war? A Yes sir.
Q Where did you live? A I lived in the Cherokee Nation.
Q Where were you living when the war came up? A I was living in Delaware district, in the Cherokee Nation.
Q Who was your owner? A Joseph Beck.
Q Was Joseph Beck a Cherokee Indian? A Yes sir.
Q Was he a Cherokee Indian by blood? A Yes sir.
Q Recognized citizen of the Cherokee Nation? A Yes sir.
Q Did you go out of the Cherokee nation during the war or remain here? A I remained here.
Q Where were you in 1866? A I was at Ft. Gibson.
Q Were you at Ft. Gibson during all of the year of 1866? A No sir.
Q Where were you the rest of the time? A I was up on Big Creek where I live.
Q Why did you stay there so much? A [illegible]
Q How much of 1866 did you spend at Ft. Gibson? A [illegible]
Q By Commissioner Needles: Mr. Gibson is the [illegible] Answer to Mr. Smith's last question: [illegible]

to fall.
Q What time did you go to Big Creek? A In the early part of the fall.
Q Where were you during all the time of the war? A I was at Ft. Gibson.
Q What were you doing down there? A I stayed there.
Q Did you do any kind of work? A Yes sir, I teamed some for the Government.
Q How old are you now? A I am 58 or 9 I guess.
Q Have you any children older than the ones you have applied for here, Ida and Harvey? A Yes sir.
Q Who are they? A Oldest one is Lottie.
Q What's her name now? A Lottie Pack.
Q Where does she live? A She lived here in the Nation.
Q Where was she born? A She was born up on Big Creek.
Q In the Cherokee Nation? A Yes sir.
Q Where has she lived all the time? A Lived here in the Nation.
Q Any others except Lottie? A Next oldest is Bennie.
Q Where does Ben live? A He lives with me.
Q Married or single? A He is single.
Q Well then who else? A Another boy lives with me, he is married.
Q What is his name? A Dallas.
Q Has he any children? A No sir.
Q Who was the mother of these children, that is these that you have just mentioned? A Ibbie Mays.
Q The mother of these three grown children? A Yes sir.
Q Who is the mother of these 2 you have just applied for? A Mary Lett, Mary Beck I call her.
Q Mary Lett was her maiden name? A Yes sir.
Q Were you married to Mary Lett? A Yes sir.
Q Where were you married to her? A On Big Creek.
Q Have you any certificate of your marriage to her? A No sir.
Q Who married you? A Sam Webber.
Q Did you have any license or did you just marry? A No sir, we just married.
Q Well at that time what had become of your wife Ibbie, or was Ibbie ever your wife, the mother of the grown children? A She was dead.
Q Did she die before you married Mary? A Yes sir.
Q Were you married to Ibbie? A Yes sir.
Q Have any license? A No sir.
Q When were you married to her? A I was married there on Big Creek
Q When I said? A Late in the fall of '66.
Q In the fall of '66? A Yes sir.
Q Who married you and Ibbie? A Webber.
Q Have any license or just married? A Just married.
Q Who did you say is on the 1880 roll, your present wife? A Yes sir.
Q What is her name? A Minnie.
Q Where is Mary, the mother of Ida and Harvey? A She is in Missouri somewhere.
Q You and she separated? A Yes sir.
Q Your first wife was dead however before you married this woman Mary? A Yes sir.
Q Where are these children, Ida and Harvey, with you? A Harvey is with me, and Ida is with her.
Q Does your wife live in Missouri? A Yes sir.
Q What is your former wife, Mary? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A I am on the Kern-Clifton roll and the Wallace roll.

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicants identified on
page 137 #3411 Maryland Beck, Cooweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 99 #2112 Maryland Beck, Illinois District;
Kern-Clifton pay roll of citizens of the Cherokee nation,
page 137 #3415 Ida Beck, Cooweescoowee District;
page 137 #3416 Harvey Beck, Cooweescoowee District.

BY COM'R NEWBLES:

Q Have you any children by your present wife? A No sir.
Q You say she is on the 1880 roll? A Yes sir.
Q You apply forher? A She has done applied.
Q Dixie Hays was dead before you married Mary Lett? A Yes sir.
Q Mary Lett a citizen? A No sir.
Q She is a non-citizen? A Yes sir.
Q You don't apply for her then? A No sir.
Q Were do I understand you to say you were in the year '66? A Ft. Gibson.
Q You never went out of the Cherokee nation then before '66?
A No sir.
Q And was here during that year at Ft. Gibson in the Cherokee Nation? A Yes sir.
Q Where was you in 1867? A I was here on Big Creek, in '67.
Q In the Cherokee nation? A Yes sir.
Q Have you lived continuously in the Cherokee Nation from that time until this? A Yes sir.
Q Never lived out of it? A No sir.
Q Why aint your name on the roll of 1880?A They wouldn't put it on.

BY MR. HASTINGS:

Q Maryland, what part of the Cherokee nation did you live in before the war? A I lived in Delaware District.
Q Joe Beck have a wife? A Yes sir.
Q What was her name? A Cynthia.
Q He have any family? A Yes sir.
Q What are some of his family named?A Oldest boy was named Ed, Bud, Luge, Polly, Ary.
Q Did you know Zeke Beck before the war?A Yes sir.
Q How far did he live from you? A About 2 miles.
Q You applied to the Bob Daniels Court in '71 for enrollment didn't you? A Yes sir.
Q You have your witnesses there then? A Yes sir.
Q The court refused to enroll you didn't it? A Yes sir, it did not do it.
Q You applied to the Kern-Clifton Commission?A Yes sir.
Q At that time you said that you ~~were~~ had been in Kansas during the war didn't you? A No sir.
Q Didn't you state at that time that you came from Ft. Leavenworth after the war to Ft. Gibson? A No sir.
Q Didn't you state that you came back from there, but wasn't to Ft. Gibson from Ft. Leavenworth? A No sir.
Q You deny that you had been in Kansas at all during the war?
A I stated that while I was driving a Government team I went on a trip up to Leavenworth and back to Ft. Gibson.
Q How long were you in Kansas? A Generally made a trip in about 60 days.
Q Did you live in the town of Ft. Gibson through the war? A Yes sir.
Q Right in the town? A Yes, well part of the time in the town.
Q And the rest of the time? A [illegible] out in the [illegible] where my dads lived.
Q You lived within [illegible]

at work I stopped there.
Q Did you tell the Kerns-Clifton Commission that you had remained there with your father during the war? A Yes sir.
Q Did you introduce any witnesses at all before the Kerns-Clifton Commission?A Yes sir.
Who did you introduce? A I introduced Jack Landrum, Allen Lynch Simon Lynch.
Q They went in and made statements did they? A No sir, they wasn't called.
Q They didn't testify before it? A no sir.
Q You say Sam Webber married you to your first wife?A His father.
Q That was in the fall of '66? A In the winter.
Q Was it before or after Christmas? A It was after Christmas.
Q About how long after Christmas? A Some time in January I guess.
Q Don't you know? A No, it was after, I don't know exactly.
Q Whats was your first wife's name? A Ibbie Hays.
Q Whose daughter was she? A She was David Hays' daughter.
Q How long after you were married until your first child was born? A First child was born in October, I think, '67.
Q What was that child's name? A Lottie.
Q What is her present name? A Lottie Pack.
Q Is she alive? A Yes sir.
Q Was she born on Big Creek? A Yes sir.
Q Where were you living at that time? A Living there on Big Creek.
Q Had you a place there at that time? A Yes sir.
Q Was that the first place you made on Big Creek? A Yes sir.
Q When did you make that place? A I commenced it in the fall, early part of the fall of '66.
Q Before you were married? A Yes sir.
Q How far does Jim Martin live from you? A Jim Martin is living about, well I guess it must be a mile and a half, maybe 2 miles.
Q Was he living there at that time? A No sir.
Q About how long after you got there until he came? A I had been there I think about a year.
Q How far are you from the Kansas line? A It is about 20 miles I guess to the nearest part.
Q How far do you live from Sam Webber? A Now?
Q No, then; how far did you live? A About 3 miles.
Q You located within 3 miles of Sam Webber did you? A Yes sir.
Q When did you first see Allen Lynch after the war? A I saw him first at Ft. Gibson right after the war.
Q Who married you to your second wife? A Young Sam Webber.
Q What was your second wife's maiden name, Lett? A Lett.
Q You married her on Big Creek? A Yes sir.
Q About what year? A I don't remember just about the year.
Q You and she were separated?A Yes sir.
Q How long did you live with her? A About three or four years.
Q You had two children born to you? A Yes sir.
Q How long until she moved out of the country after you separated? A It may have been 4 months, probably might be a year.
Q You wasn't in the army during the war? A No further than a teamster.
Q Was Sam Webber living up there when you first went up there from Ft. Gibson? A Yes sir.
Q What time of the year did you go up there? A It was in the fall.
Q About what time in the fall? A Pretty early.
Q As early as September?A Between September and October, somewhere along in there.
Q Who else was living around up in there at that time? A There was quite a lot of them, I don't know all of them.
Q Peter Ward living up there at that time? A I don't know, I

wont be positive whether he was or not.
Q Name some of the rest of your neighbors besides Sam Webber. A Peter Meigs lived there and the Sanders and Whitmires.
Q You say you have one child with your second wife in Missouri?
A Two.
Q One child though still in Missouri? A Yes sir.
Q It went with its mother? A Yes sir.
Q Been living with its mother? A Yes sir.

BY COM'R NEEDLES:

Q You say you are ~~in~~ separated from Mary Lett are you? A Yes sir
Q Get a divorce from her? A No sir.
Q Was Ida Beck and Harvey Beck born while you were living with Mary Lett? A Yes sir.
Q Were they both born in the Cherokee Nation? A Yes sir.
Q Harvey is living now in Missouri? A No, Ida.
Q With her mother? A Yes sir.
Q How long has she been living there? A She has been there about all the time her mother has.
Q Well how long has her mother been there? A She has been there about goingon 12 years now.
Q She came very near being born there didn't she, she is only 12 years old? A No, she went since she was born.

ALLEN LYNCH, being sworn by Com'r Needles, testified as follows

BY MR. SMITH:

Q State your name? A Allen Lynch.
Q What is your age? A 61 years old.
Q Where do you live? A I live in Vinita.
Q How long have you lived in the Cherokee Nation? A ~~We know Well~~ I have been here all the time only when I was out in the army.
Q Lived here all your life? A Yes sir.
Q Are you a citizen of the ~~Che~~ Cherokee Nation? A Yes sir.
Recognized citizen? A Yes sir.
Q Do you know this applicant, Maryland Beck? A Yes sir.
Q How long have you known him? A I knowed him 5 or 6 years before the war.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Joe Beck.
Q Was Joe Beck a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Were you out of the Nation yourself during the war? A I was in the army, yes sir.
Q What year did you leave the Cherokee Nation? A I believe I left here in July, '62, if I make no mistake.
Q When did you return after the war? A I come back here in February, '66.
Q Were you out of the Cherokee Nation all of the time from the time you went out until you returned? A Yes sir.
Q Were not back in the Nation at any time? A I was back in the Nation during the war when the army was here.
Q Where was this applicant when the war commenced? A He was on Long Prairie.
Q In the Cherokee Nation? A Yes sir.
Q Where did Joe Beck live? A Lived up on Long Prairie; this side of Long Prairie a ways.
Q When did you first see Maryland Beck after you returned here in '66? A First time I saw him was along in the spring of '66, I couldn't tell exactly.
Q You had been here yourself about how long when you saw him? A I come here in February, I guess it must have been May or June when I

I saw him.
Q Where did you see him? A At Ft. Gibson.
Q When did you next see him? A It was about a year.
Q Where did you see him then? A First time I saw him after I believe I saw him on Grand river after I saw him at Gibson.
Q Have you seen him a few times or often since that time? A Yes sir I have seen him pretty often.
Q Where has he been living? A On Big Creek.
Q You know where he lives now? A Yes sir.
Q How long has he been living there? A I don't know just how long he has been living where he lives not, but he lived next to the Creek from where he is living now when I used to go to see him, when I used to be over in there, but he has moved about a mile or a mile and a half, maybe 2 miles further.
Q How long has it been since you first knew of his living on Big Creek? A It has been about 25 or 6 years, 25 years.
Q Do you know Mary Lett? A His wife?
Q Yes? A No sir, I didn't know his wife.
Q Have you ever been to his house during the time that he and Mary were living together? A No sir. I never went to his house while they were living together, I know where his house was, and passed by there, but I always made my stopping place at Dan Sanders'.
Q Did you ever see them together during the time he was living together? A Yes sir, I saw them together there at his place about 24 or 5 years ago, but I wasn't particular acquainted with her.
Q Do you know whether they were man and wife or not, or whether they lived as man and wife or not? A No sir, I don't.
Q How far was that from where you lived? A I lived then on Grand river.

BY MR. HASTINGS:

Q Where did you live before the war? A I lived on Grand river.
Q Where did this man live before the war? A On Long Prairie.
Q How far was that from where you lived? A It must have been nearly 30 miles.
Q What was his owner's name? A Joe Beck, or Jeff Beck; I was acquainted with his mother and his father and all of his folks.
Q Did you know which one owned this man? A Joe Beck is the one I think owned him.
Q Are you certain? A I am not certain whether it was Joe Beck or Jeff Beck, but I know the folks.
Q Have you been to their house before the war? A Yes sir.
Q What sort of a house did they live in? A They lived in a hut, log house when I used to go there.
Q How long before the war was that? A 6 or 7 or 8 years; that used to be my route to go in to Hog Eye, what we called "Hog Eye", to our whiskey.
Q It has been 6 or 8 years before the war the last time you were over there? A No, it wasn't the last time I was over there, I was there time the troops was over there.
Q Well you mean before the war? A I think it was about 3 or 4 years before the war after that I was up there.
Q You know what his mistress' name was? A No I don't remember just what her name was.
Q You know any other members of the family? A There was Butt Beck.
Q Well some one of his young masters? A Yes sir, there was Butt Beck and I believe Head Beck, I don't recollect just what their name was.
Q Tastens his young master? A That is the one he called his young master.
Q They were living there at that time? A Before the war?
Q Yes? A Yes sir, they was there before the war.
Q Butt Beck and Head Beck brothers? A I couldn't tell you whether they are brothers or not, all of them Beck Boys lived in there.

I saw him.
Q Where did you see him? A At Ft. Gibson.
Q When did you next see him? A It was about a year.
Q Where did you see him then? A First time I saw him after I believe I saw him on Grand river after I saw him at Gibson.
Q Have you seen him a few times or often since that time? A Yes sir I have seen him pretty often.
Q Where has he been living? A On Big Creek.
Q You know where he lives now? A Yes sir.
Q How long has he been living there? A I don't know just how long he has been living where he lives not, but he lived next to the Creek from where he is living now when I used to go to see him, when I used to be over in there, but he has moved about a mile or a mile and a half, maybe 2 miles further.
Q How long has it been since you first knew of his living on Big Creek? A It has been about 25 or 6 years, 25 years.
Q Do you know Mary Lett? A His wife?
Yes? A No sir, I didn't know his wife.
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Q You know what his mistress' name was? A No I don't remember just what her name was.
Q You know any other members of the family? A There was Butt Beck.
Q Well some one of his young masters? A Yes sir, there was Butt Beck and I believe Head Beck, I don't recollect just what their name was.
Q That was his young master? A That is the one he called his young master.
Q They were living there at that time? A Before the war?
Q Yes? A Yes sir, they were there before the war.
Q Butt Beck and Head Beck brothers? A I believe I did see that they are brothers but all of them being dead right in there

we used to go up in there and I knowed them all by name.
Q Double log house was that?A I don't recollect just now how the house was made.
Q You don't know whether it was boxed up o r not?A I don't think it was.
Q First time after the war where was it you saw this party, the applicant? A First time I saw him I met him right there at the river, him and his father right there at the ford of the river where they run the boat across the river at Gibson.
Q That Grand river?A Yes sir, that's the first place I saw him aft the war.
Q How old was he at that time? A I couldn't tell you how old he was, he was big enough to do good work.
Q Was he grown? A He was a young man.
Q You know whether he was married at that time or not? A No sir, I don't.
Q Did you see him ~~at that time~~ wife then? A No sir, I didn't.
Q About what time in the year was that? A Well, sir, it was, if I recollect right, it was either in May or June, along there. It was along in the spring.
Q He driving a team was he? A No sir.
Q What was he doing? A Him and his father was standing on the bank of the river, and some other parties when we come across.
Q When did you next see him? A Next time I saw him was about a year after that I reckon, or a year and a half.
Q Where did you next see him? A Up on Grand river at Simon Lynch's
Q You know where he came from at that time? A No sir, I didn't ask him.
Q You know where he was living at that time? A No, I don't believe I ask d him where he was living.
Q You know whether he was married at that time? A No sir, I don't.
Q Was any one else with him and his father when you saw them? A Yes sir, there was two or three women with them, one of them was Sindy Beck, used to be Guss Biggington's wife, and Nancy Taylor over here.
Q Who was with him at Simon Lynch's? A Let's see now who was with him, I don't remember who was with him; I don't remember only I saw him and two or three with him.
Q How long after that until you saw him again? A Well I didn't see him then for 6 or 7 years, it might have been longer and might not have been so long.
Q You wasn't a witness for him before the Kern-Clifton Commission? A No sir, he didn't have any I don't think; he asked me to witness for him and I told him I would.
Q You didn't go in and testify? A I don't think I did.
Q You know whether he had any witnesses at all or not? A No sir, I don't know.
Q We had about the same sort of investigation as we have now, witnesses came in and testified?A Yes sir.
Q And took down what they said? A Yes sir.
Q You remember of seeing him down before the Bob Daniels court?
A I wasn't there.
Q You wasn't there? A No sir, I didn't go.
Q Then it was 6 or 7 years after that that you next saw him? A Yes sir, I didn't see him until after we moved on Big Creek.
Q You wasn't at his house in Ft. Gibson?A N sir.
Q Who was with you at that time? A He and James Ragsdale and Art Williams.

SAM WEBBER, being sworn by com'r Needles, testified as follows:

BY MR. SCITE:

Q State your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A 2 miles west of here.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Recognized citizen? A Yes sir.
Q Do you know this applicant, Maryland Beck? A Yes sir.
Q How long have you known him? A I got acquainted with him since the war.
Q Where did you first get acquainted with him? A On Big Creek.
Q When? A Along ~~in the~~ some time late in the fall of '66 he come there.
Q Came to where? A Big Creek, Cherokee Nation.
Q At what place did you see him on Big Creek, near what place was it, whose house or where was it? A He was to my house and around at other houses that was there, people lived there.
Q How long did he remain up there about Big Creek? A He just stayed there ~~about~~ after he come back.
Q Who came with him? A An old fellow we used to call Uncle Coosack, goes by John Baldridge now.
Q You know where Maryland lives now? A He lives there on Big Creek.
Q How far from you? A It is about 12 or 15 miles, I guess, over there.
Q How long has he been living in the neighborhood? A Ever since he settled there.
Q Ever since the fall of '66? A Yes sir.
BY COM'R NEEDLES:
Q Do you know his wife, Mary? A Yes sir, I got acquainted with her.
BY MR. SMITH:
Q Did you know whether he and Mary were married or not? A Yes sir, I married them.
Q Where did you marry them? A Right at his house.
Q When, you know about how many years ago? A Not exactly, it has been a good while ago though.
Q You know whether he and Mary had any children or not? A They had one child when I was there last. Saw the child and the woman last.
Q One when you saw them last? A Yes sir, when I saw her last she had one child then.
Q Did she go away from ~~him~~ here? A Yes sir, I heard she left, I aint saw her since.
Q How long before she left was it before you saw her? A It was quite a little bit before she left that I saw her.
BY COM'R NEEDLES:
Q Do you know how long they lived together as man and wife? A I don't know whether it was 2 years or 3 years.
Q You know how many children they had born to them? A I heard she had another one, I don't know.
Q You only saw one? A Yes sir, I only saw one.
Q You don't recollect about what year it was you married them? A I couldn't tell exactly just what year it was.
BY MR. SMITH:
Q What was her maiden name? A I don't know what her maiden name was. She was a widow, her husband died there, ~~[illegible]~~ she was a Lett.
Q Did she have some children by her first husband? A Yes sir.
Q How many? A I couldn't tell you that, I don't know, there was two or three to my knowledge, I don't know exactly.
Q You don't know whether they were boys or girls? A Nosir, I don't, they was ~~[illegible]~~ little things, small children, I couldn't tell you.
Q Washer first husband dead at that time? A Yes sir, he died there right on the Creek.
Q You know what year he died? A No sir, I don't, it was along in

August though, we was holding association there when he died, but I don't know what year it was.
Q You don't know what year you m rried this m n? A Can't tell exactly, it h s b en right smart little bit Ago.
Q It has b en a g od while s nce he came up to that country too?
A Yes sir.
Q But you have a distinct recollection when he first c me th re?
A Yes sir, we was glad to see anybody come.
Q He was a strang r to you? A Yes sir.
Q What was his first wife's name, was that his first wife? A No sir.
Q What was her name? A Ibbie.
Q Ibbie what? A Mays I guess her daddy was Mays.
Q What was her daddy's first name? A Dave Mays.
Q Was she living there when Maryl nd came up there? A I believe she was, I aint right certain, I don't know whether he got there first or they got there first.
Q Where did he m rry her? A He m rried her there on Big Creek.
Q You know how long after he came up until he m rried h r? A No sir, not exactly.
Q As much as a year? A I couldn't answer that, because I never paid much attention, I was working ~~in~~ out a good deal right then, I had to make something.
Q Was you a witness for Maryland Beck 5 years ago, before the Kern-Clifton court? A No sir.
Q Were you down before what is known as the Bob Daniels court in '71? A Yes sir, I was down there.
Q Did you see Maryl nd Beck down there? A I think I did, and a whole lot more.
Q Did you witness for him down there before that court? A No sir, I don't think I did.
Q How far from you on Big Creek did he locate? A Some two or three miles.
Q Made a place there? A Yes sir, made a place.
Q How far was Jim Martin living from him at that time? A Little over a half mile, or nearly a mile I reckon.
Q Did he continue to live there? A Who?
Q Maryland Beck? A Yes sir, Jim Martin bought a place just below Beck's when he came in.
Q How long after that until Jim Martin came? A Jim Martin brought 31 head of cattle there in the fall of '67 and left them, and we put up hay for them, and left and moved back in '68.
Q And Maryland Beck was living there at that time? A Yes sir.
BY MR. SMITH:
Q You were asked about as to whether you testified for this applicant before the Bob Daniels court, did you see anybody testify for him before the Bob Daniels court? A No sir.
Q Do you know whether he ever had any trial at the Bob Daniels court or not? A He didn't have any as I knowed.
Q You say you saw quite a number of people there at the Bob Daniels court? A Yes sir.
Q What were they doing there? A We saw ~~the~~ piece in the papers where they was calling us down there and we made up a big crowd and went there.
Q What did you do when you got there? A My ~~[illegible]~~ father and another one or two made applications there and of course they admitted them some way, I aint right tell you how, I was admitted at the same time, but I can't tell you just how it was done really.
Q Do you know how many of these people made applications at once? A I believe Harry Smith, my father and Hardy Campbell and my brother Johnson, was called at the same time, but they couldn't find his name on the roll. [illegible]

Q So far as Maryland Beck is concerned, you don't know whether he had any trial at all or not? A They didn't try all of them I believe.

BY MR. HASTINGS:

Q You know whether they tried his case at all or not? A They didn't try all of them, they didn't try his case that day.

Q Are you willing to say they didn't try his case? A If they did I didn't see them.

Q Well you don't know then? A No sir.

JOHN LANDRUM, being sworn by Com'r Needles, testified as follows

BY MR. SMITH:

Q State your name? A John Landrum.

Q What is your age? A 59.

Q Where do you live? A On Lightning Creek.

Q How long have you lived in the Cherokee nation? A All my life.

Q Do you know this applicant, Maryland Beck? A Yes sir.

Q How long have you known him? A Been knowing him before the war, when we was boys. Little children you might say.

Q Did you go out of the Cherokee nation during the war or not, yourself? A No sir, I didn't go out my self.

Q Where were you during the war? A I went out with the soldiers.

Q You didn't go out yourself, you just went out with the soldiers? A No sir.

Q When did you get back to the Cherokee nation? A I got back in '66 in the fall.

Q When did you first see Maryland Beck after you got back? A I saw him in Gibson.

Q When? A In '68.

Q What were you doing in Gibson in '68? A I helped haul the Creek Indians from Kansas down to Gibson to their country, the Creek darkies I mean, some of them, a few that was left.

Q Then where did you go after you made that trip? A Went back to Kansas.

Q And then when did you come back to the Cherokee nation? A In '68.

Q Well how long after you came backhere in '66 before you saw Beck? A After I came back from-

Q From Kansas here, after you came back in '66 did you see him any time after that? A Yes sir.

Q Where did you see him then the next time? A I saw him up on Big Creek.

Q When was that? A I think it was, yes it was in '67, if I aint mistaken, somewhere along there.

Q You know where he lives now? A Yes sir.

Q Where? A On Big Creek.

Q How long has he been living there? A Ever since he moved there, he has never been away from there to my knowing.

Q When did he move there? A I don't know, when I saw him he was there.

BY MR. HASTINGS:

Q Where was he at in '68 when you saw him? A At Gibson. Right on the bank of the river, when we drove up and stopped to camp right at the boat landing.

Q Just standing there? A Yes sir. By the side of his daddy.

Q His father was right by him? A Yes sir.

Q Was Allen Lynch down there at that time? A He wasn't with me.

Q Did you see him in ft. Gibson at that time? A He was there after we located to camp he came there in camps.

Q And you saw him? A Yes sir, I saw him there.

Q What time in '68 was that? A I couldn't tell you just what time it was.

Q Spring or fall or summer? A It was along in the summer.

Q How many Creek darkies did you take down there? A I took down a couple of families, well I had man and his family and 2 daughters.
Q What was his name? A One of them was named Tecumseh Barnett.
Q What was his wife's name? A I forget his wife's name, I wasn't acquainted with them good enough to remember from that time, it was so long.
Q What was his daughters' name? A One of them I think was named Hannah, I think they called one of them, that's about all I remember of the occurrence.
Q From what place in Kansas did you take them? A Leroy.
Q When were you discharged as a soldier? A Why I wasn't a regular soldier, when they first got up the recruiting office, you know when we first went from the Territory here and was turned loose, freed as they called it, they turned us aloose there at Ft. Scott and then we vanished off to ~~find for~~ shift for ourselves and we went to Mound City.
Q Was that when you was discharged at Ft. Scott? A No sir.
Q Was you in the regular army? A No sir.
A When ~~you~~ was carried out of here by the soldiers, I mean we was turned loose there at Ft. Scott.
Q And you continued to work at Mound City did you? A That's where we went to make a living you know.
Q Were you at Mound City in the springof '65? A No sir.
Q Where were you in the spring of '65? A I was at Leroy.
Q And these Creek darkies were all up there? A Yes sir, they was at Leroy.
Q And you turned them aloo se at Ft. Gibson? A Yes sir, that's where we left them.
Q Were you at this man's home in Ft. Gibson at that time? A No sir. He didn't have no place then; he was just a young boy, stopping I guess with his daddy.
Q About how old was he? A I couldn't tell you.
Q How old did he look to be? A I couldn't tell you anyt ing about his age.
Q Was he 10 years old? A Oh he was over that.
Q What was his master's name? A Joe Beck.
Q Where did Joe live before the war? A He lived the other side of Long Prairie.
Q Was you ever at their house? A Yes sir, lots of times.
Q How longbefore the war was it? A I couldn't tell you, it was a long time.
Q As much as 10 years? A Yes. We was just small boys then.
Q Was as much as ten years before the war? A I expect, may be more, it was a good while.
Q You hain't seen him then up until '65? A Yes sir.
Q Next time you saw him was in '67? A Yes sir, on Big Creek.
Q Did he have a place up here then? A Yes sir.
Q How far was he living then from where he lives now? A I don't know, about half a mile, hardly that far.
Q You know whether he was married? A I guess he was married on Big Creek.
He was married when I saw him there.
Q Was he married when you saw him at Ft. Gibson? A No sir.
Q Didn' have a wife at that time? A No sir.
Q You testified in the George Thompson case? A No sir.
Q Didn't you testify for Alfred Bell? A Yes sir.
Q You said you saw him in '66 here? A Yes sir.
Q What time do you think you saw him? A It was in '67.
Q What time in '67? A
BY MR. SMITH: If the Court please, I object to this.
BY COURT MEMBER: Well it goes to test the witness I think.

Q BY MR. HASTINGS: About what time was it? A I think it was in January, it was so said to be January by the people who know better than I do.
Q You don't know about the months? A Not exactly, of course I know them, and I am getting old, I forget them; if I don't put down the dates I forget them.
Q How about the years, do you ever forget them? A I sometimes, I have to take time to study for it though.
Q You didn't witness for this man before the Kern-Clifton court did you? A Yes sir, I think I did.
Q You came in and were sworn and made a statement before the Kerns-Clifton court in his behalf did you or not? A Yes sir.
Q You told them you saw him in '65 down there did you? A They never asked me nothing of that kind.
Q But you did make a statement? A Yes sir, but they never asked me any questions hardly at all, just asked me did I know him and who he belonged to and what time he went out and how he went out.

Applicant, MARYLAND BECK, re-called and further examined:

BY MR. HASTINGS:
Q Howlong did you and your second wife Mary Lett live together? A Somewhere between 3 and 4 years.
Q How many children did she have when you married her? A She had 2.
Q What are their names? A Etta and Quill.
Q She have any others? A No sir.
Q How long after you married her until this child for whom you make application was born? A Oh I don't know, it might have been a year probably.
Q Was that second child born while you were living together as husband and wife? A Yes sir.
Q How long did she remain in the neighborhoos after you separated? A She stayed there pretty near one summer, winter.
Q And then she left? A Yes sir.
Q She take both of these children with her? A Yes sir.
Q Both of them are living with her yet? A No sir.
Q When did you get this child back for whom you make application? A He has been with me a good while, the boy.
Q How long? A He has been with me a couple or three months.
Q How old is he now? A He is 10 years old.
Q Where did he come from? A Comefrom Springfield.
Q The other child is in Springfield now? A Yes sir.
BY COM'R MEADLES:
Q Why didn't you get the other child when you got this one? A She wouldn't let me have it because it was a girl.
Q Did she willingly let you have this boy? A Yes sir.
Q Was her first husband a citizen? A No sir.
Q He was a non-citizen man here? A Yes sir.
BY MR. HASTINGS:
Q How old is Lottie? A Lottie is 30 years old, according to my judgment.
BY COM'R MEADLES:
Q Did you ever have any child by Ibbie Hays? A Yes sir.

Com'r Meadles: Maryland Beck applies for the enrollment of himself and two children, Ida, 12 years of age, and Harvey, 10 years of age; he avers that he was a slave of Joseph Beck, never left the Cherokee Nation during the war, and that he was at Mt. Gibson in the Cherokee Nation in the year 1866; he avers that he has resided in the Cherokee Nation from that day until this. He avers that he was first married to one Ibbie Hays; and that upon the death of Ibbie Hays, he married Mary Lett, by

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ACTING CHAIRMAN

Maryland Beck et al 23

non-citizen, who he avers is the father of the children for whom he makes application. He makes proof of his marriage, by Elder Webber, who testified that he married himself and Mary Lett and the applicant separated and he has since married one Minnie Sanders, a Cherokee freedman, whose name is on the roll of 1880. He avers that the eldest child, Ida, is now living with his wife Mary, from whom he has separated, in the state of Missouri; the youngest child, Harvey, is now in his custody and keeping. The fact that the name of Maryland Beck does not appear upon the authenticated roll of 1880 and the further fact that his application was not entered by the Representatives of the Cherokee nation, both Maryland Beck and his 2 children, Ida and Harvey will now be listed for enrollment as Cherokee freedmen on a doubtful card; he will be notified by the commission at his post-office address of their decision in the premises.

N.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 10, 1901.

Commissioner.

To be filed with case of Lottie Beck, S. R. No. [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 28, 1906.

In the matter of the application of Maryland Beck for the enrollment of himself and 2 children as Cherokee freedmen, being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith of Mellett & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

Q What is your name? A Maryland Beck.
Q What is your age? A 58 or 9.
Q What is your post office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and 5 children.
Q Are your five children under age and unmarried? A No, sir.
Q Give me the names of those under age and not married? A Ida and Harvey.
Q Ida Beck? A Yes, sir.
Q How old is Ida? A 12 years old.
Q How old is Harvey? A 10 years old.
Q Any others? A Yes, my other grown children.
Q You have just two not grown? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Minnie Beck.
Q Is she a citizen? A Yes, sir.
Q Has she been enrolled? A Yes, sir.
Q Is her name on the 1896 roll? A Yes, sir.
Q Why didn't she enroll these children? A They are not hers.
Q She is not the mother of them? A No, sir.
Q How many times have you been married? A 2 times.
Q What was your first wife's name? A Ribie Mayes.
Q Is she living? A No, sir.
Q What was your second wife's name? A Mary Beck.
Q What was her name before you married her? A Mary Lott.
Q What is your wife's name? A Minnie.
Q What was her name before you married her? A Minnie Masters.
Q Who is the mother of Ida Beck? A Mary Lott.
Q Who is the mother of Harvey Beck? A Mary.
By Mr. Smith: Mr. Beck, who are your witnesses? A [illegible] Walker, Allen Lynch, Jack Landrum, John Baldridge.
Q Mr. Beck, were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in the Cherokee Nation.
Q Where were you living when the war came up? A I was living in Delaware district, in the Cherokee Nation.
Q Who was your owner? A Joseph Beck.
Q Was Joseph Beck a Cherokee Indian? A Yes, sir.
Q Was he a Cherokee by blood? A Yes, sir.
Q Recognized citizen of the Cherokee Nation? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war or remain here? A I remained here.
Q Where were you in 1866? A I was at Ft. Gibson.
Q Were you at Ft. Gibson during all of the year of 1866? A Yes, sir.
Q Where were you the rest of the time? A I was up on Big Creek, where I live.
Q Where did you stay during the war? A I stayed at Ft. Gibson.
Q How much of 1866 did you spend at Ft. Gibson? A [illegible]
Q Do you recollect [illegible] A [illegible]
Q [illegible] Smith's [illegible]

Q What time did you go to Big Creek? A In the early part of the fall.

Q Where were you during all the time of the war? A I was at Pt. Gibson.

Q What were you doing down there? A I stayed there.

Q Did you do any kind of work? A Yes, sir, I rented some for the Government.

Q How old are you now? A I am 66 or 7 I guess.

Q Have you any children older than the ones you have applied here, Ida and Harvey? A Yes, sir.

Q Who are they? A Oldest one is Lettie.

Q What's her name now? A Lettie Ennis.

Q Where does she live? A She lives here in the Nation.

Q Where was she born? A She was born up on Big Creek.

Q In the Cherokee Nation? A Yes, sir.

Q Where has she lived all the time? A Lived here in the Nation.

Q Where has she lived all the time? A Lived at here in the Nation.

Q Any other except Lettie? A Next oldest is Dennis.

Q Where does Den live? A He lives with me.

Q Married or single? A He is single.

Q Well then who else? A Brother boy lives with me, he is married.

Q What is his name? A Dallas.

Q Has he any children? A No, sir.

Q Who was the mother of these children, that is those that you have just mentioned? A Ibbie Mays.

Q Is the mother of them all three same children? A Yes, sir.

Q Who is the mother of those 3 you have just applied for? A Mary Lett, Mary, ask I call her.

Q Mary Lett was her maiden name? A Yes, sir.

Q Were you married to Mary Lett? A Yes, sir.

Q Where were you married to her? A On Big Creek.

Q Have you any certificate of your marriage to her? A No, sir.

Q Who married you? A Sam Webber.

Q Did you have any license or did you just marry? A No, sir, just married.

Q Well at that time was had become of your wife Ibbie, or was Ibbie your wife, the mother of the grown children?

Q She was dead.

Q Did she die before you married Mary? A Yes, sir.

Q Were you married to Ibbie? A Yes, sir.

Q Have any license? A No, sir.

Q When were you married to her? A I was married there on Big Creek.

Q When I said? A Late in the fall of 66.

Q In the fall of 1867? A Yes, sir.

Q Who married you and Ibbie? A Webber.

Q Have any license or just married? A Just married.

Q Was did you say is in the 1880 roll, your present wife? A Yes, sir.

Q What is her name? A Emma.

Q Where is Mary, the mother of Ida and Harvey? A She is in Kansas somewhere.

Q You and the separated? A Yes, sir.

Q Our first wife was dead whether before you married this woman Mary? A Yes, sir.

Q Where are these children, Ida and Harvey, with you? A Harvey is with me, and Ida is with her.

Q Your wife Emma [illegible] A Yes, sir.

Q You [illegible] A Yes, sir.

Q [illegible] A I am [illegible]

Citizen roll of citizens of the Cherokee Nation [illegible] and applic nt identified on page 99, #2115, Maryland, Beck, Illinois district;
Kern-Clifton roll of citizens of the Cherokee Nation, Page 137, #3415, Ida Bobby Cooweescoowee district;
Page 137, #3416, Harvey Beck, Cooweescoowee district.

By Court Reading: Have you any children by your present wife? A No, sir.
Q You say she is on the Dawes roll? A Yes, sir.
Q Did you apply for her? A She was done applied.
Q Jobie Hays was dead before you married Mary Lett? A Yes, sir.
Q Mary Lett a citizen? A Yes, sir.
Q She is a non-citizen? A Yes, sir.
Q You don't apply for her then? A No, sir.
Q Where do I understand you to say you were in the year 1867 Ft. Gibson.
A You never went out of the Cherokee Nation thereafter 1867?
A No, sir.
Q And was here during that year at Fort Gibson in the Cherokee Nation?
A Yes, sir.
Q Where was you in 1867? A I was here on Big Creek in 67.
Q In the Cherokee Nation? A Yes, sir.
Q Have you lived continuously in the Cherokee Nation from that time until this? A Yes, sir.
Q Never lived out of it? A No, sir.
Q Why ain't your name on the roll of 1880? A They couldn't put it on.

By Mr. Hartigan: Maryland, what part of the Cherokee nation did you live in before the war? A I lived in Delaware district.
Q You Beck have a wife? A Yes, sir.
Q What was her name? A Cynthia.
Q Do have any family? A Yes, sir.
Q What are some of his family named? A Eldest boy was named Ed, Dad, Luke, Polly, Ivy.
Q Did you know John Beck before the war? A Yes, sir.
Q How far did he live from you? A About 2 miles.
Q You applied to the Rob Daniels Court in 71 for enrollment didn't you? A Yes, sir.
Q You have your witnesses up to Tahlequah? A Yes, sir.
Q The court refused to enroll you didn't it? A Yes, sir, it did not do it.
Q You applied to the Kern-Clifton Commission? A Yes, sir.
Q At that time you said that you had been in Kansas during the war didn't you? A No, sir.
Q Didn't you state at that time that you came from Fort Leavenworth after the war to Ft. Gibson? A No, sir.
Q Didn't you state that you came back from there, but didn't to Ft. Gibson from Ft. Leavenworth? A No, sir.
Q You deny that you had been in Kansas at all during the war?
A I did not that while I was driving a Government team I went on a trip up to Leavenworth and back to Ft. Gibson.
Q How long were you in Kansas? A Generally made a trip in about 30 days.
Q Did you live in the town of Ft. Gibson during the war? A Yes, sir.
Q [illegible] Ft. Gibson [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

Q Who did you introduce? A I introduced Jack Landrum, Allen Lynch Simon Lynch.
Q They went in and made statements did they? A No, sir, they weren't called.
Q They didn't testify before it? A No, sir.
Q You say Sam Webber married you to your first wife? A His father.
Q That was in the fall of '66? A In the winter.
Q Was it before or after Christmas? A It was after Christmas.
Q About how long after Christmas? A Sometime in January I guess.
Q Don't you know? A No, it was after, I don't know exactly.
Q What was your first wife's name? A Ibbie Mays.
Q Whose daughter was she? A She was David Mays' daughter.
Q How long after you were married until your first child was born?
A First child was born in October, I think, '67.
Q What was that child's name? A Lottie.
Q What is her present name? A Lottie Peak.
Q Is she alive? A Yes, sir.
Q Was she born on Big Creek? A Yes, sir.
Q Where were you living at that time? A Living there on Big Creek.
Q Had you a place there at that time? A Yes, sir.
Q Was that the first place you made on Big Creek? A Yes, sir.
Q When did you make that place? A I commenced it in the fall, early part of the fall of '66.
Q Before you were married? A Yes, sir.
Q How far does Jim Martin live from you? A Jim Martin is living about, well I guess it must be a mile and a half, maybe 2 miles.
Q Was he living there at that time? A No, sir.
Q About how long after you got there until he came? A I had been there I think about a year.
Q How far are you from the Kansas line? A It is about 20 miles I guess to the nearest part.
Q How far do you live from Sam Webber? A What?
Q No, then, how far did you live ? A About 3 miles.
Q You located within 3 miles of Sam Webber did you? A Yes, sir.
Q When did you first see Allen Lynch after the war? A I saw him first at Mr. Gibson right after the war.
Q Who married you to your second wife? A Young Sam Webber.
Q What was your second's wife's maiden name, Lettie? A Lett.
Q You married her on Big Creek? A Yes, sir.
Q About that year? A I don't remember just about the year.
Q You and she were separated? A Yes, sir.
Q How long did you live with her? A About three or four years.
Q You had one children born to you? A Yes, sir.
Q How long until she moved out of the country after you separated?
A It may have been 6 months, probably might be a year.
Q You wasn't in it no way during the war? A No, further than a member.
Q Was Sam Webber living up there when you first went up there from Mr. Gibson? A Yes, sir.
Q What time of the year did you get up there? A It was in the fall.
Q About what time in the fall? A Pretty early.
Q As early as September? A Between September and October, some where along in there.
Q Who else was living up and up in there at that time?
A There was quite a lot of them, I don't know all of them.
Q Peter Ward living up there at that time? A I don't know, I don't up Smith. Whether he was or not.
Q Name some of the rest of your neighbors besides Sam Webber?
A Peter Martin lived there and Gardner and Whitmire.
Q You say you have one child with your second wife in Missouri?
A Yes.
Q Is that child still in Missouri? A Yes, sir.
Q It was with its mother? A Yes, sir.
Q Been living with its mother? A Yes, sir.

By Com'r Needles: You say you are separated from Mary Lett are you? A Yes, sir.
Q Get a divorce from her? A No, sir.
Q Was Ida Beck and Harvey Back born while you were living with Mary Lett? A Yes, sir.
Q Were they both both in the Cherokee Nation? A Yes, sir.
Q Harvey is livingnow in Missouri? A No, I do.
Q With her mother? A Yes, sir.
Q How long has she been living there? A She has been there about all the time her mother has.
Q Well how long has her mother been there? A She has been there about going on 12 years now.
Q She came very near being born there didn't she, she is only 12 years old? A No, she went since she was born.

ALLEN LYNCH, being sworn by Com'r Needles, testified as follows: By Mr. Smith:
Q State your name? A Allen Lynch.
Q What is your age? A 61 years old.
Q Where do you live? A I live in Vinita.
Q How long have you lived in the Cherokee Nation? A Well, I have been here all the time only when I was out in the army.
Q Lived here all your life? A Yes, sir.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, Maryland Beck? A Yes, sir,
Q How long have you known him? A I knowed him 5 or 6 years before the war.
Q Was he a slave? A Yes, sir,
Q Who did he belong to? A Joe Beck.
Q Was Joe Beck a Cherokee Indian? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Were you out of the nation yourself during the war? A I was in the army, yes, sir.
Q What year did you leave the Cherokee Nation? A I believe I left here in July, '62, if I make no mistake.
Q When did you return after the war? A I come back here in February, 1866.
Q Were you out of the Cherokee Nation all the time from the time you went out until you returned? A Yes, sir.
Q Were not back in the Nation at any time? A I was back in the Nation during the war when the army was here.
Q Where was this applicant when the war commenced? A He was on Long Prairie.
Q In the Cherokee Nation? A Yes, sir.
Q, Where did Joe Beck live? A Lived up on Long Prairie; this side of Long Priaire a ways.
Q When did you first see Maryland Beck after you returned here in '66? A First time I saw him was along in the spring of '66, I couldn't tell exactly.
Q You had been here yourself about how long when you saw him?
A I come here in February, I guess it must have been May or June when I saw him.
Q Where did you see him? A At Ft. Gibson.
Q When did you next see him? A It was aboug a year.
Q Where did you see him then? A First time I saw him I believe I saw him on Grand river after I saw him at Gibson.
Q Have you seen him a few times or often since that time?
A Yes, sir, I have seen him pretty often.
Q Where has he been living? A On Big Creek.
Q You know where he lives now? A Yes, sir.
Q How long has he been living there? A I don't know just how long he has been living there he lived near, but he lived next to the creek from where he is living now, [illegible]

I used to be over in there, but he has moved about a mile or a mile and a half, maybe 2 miles further.
Q How long has it been since you first knew of his livi ng on Big Creek? A It has been about 25 o 6 years, 25 years.
Q Do you know Mary Lett? A His wife?
Q Yes? A No, sir, I didn't know his wife.
Q Have you ever been to his house during the tme that he and Mary were living together? A No, sir. I never went to his house while they were living together, I know where his house was, and passed by there, but I always made my stopping place at Dan Sanders'.
Q Did you ever see them together during the time he was living together? A Yes, sir, I saw them together there at his place ab ut 24 or 5 years ago, but I wasn't particular acquainted with hen
Q Do you know whether they were man and wife or not, or whether they lived as man and wife or not? A No, sir, I don't.
Q How far was that from where you lived? A I livec then on Grand river.

By Mr. Hastings: Where did you live before the war?
A I lived on Grand river.
Q Where did this man live before the war? A On Long Prairie.
Q How far was that from where you lived A It must have been nearly 30 miles.
Q What wa his owner's name? A Joe Beck, or Jeff Beck; I was acquainted with his mother and his father and all of his folks.
Q Did you know which one owned this man? A Joe Beck is the one I think owned him.
Q Are you certain? A I am not certain whether it was Joe Beck or Jeff Beck, but I know the folks.
Q Have you been to t heir house before the war? A Yes, sir.
Q What sort of a house did they live in? A They lived in a but log house when I used to go t here.
Q How long before the war was that? A 6 or 7 or 8 years; that used to be my route to go in to Hog Eye, what we called "Hog Eye" to our whiskey.
Q It has been 6 or 8 years before the war the last time you were over there? A No, it wasn't the last time I was over there, I was there before the time the troops was over there.
Q Well you mean before the war? A I think it was about 3 or 4 years before the war after that I was up there.
Q You know what his mistress' name was? A No I don't remember just what her name was.
Q You know any other members of the family? A There was Sutt Beck.
Q Well some one of his young masters? A Yes, sir, there was Sutt Beck and I believe Head Beck, I don't re ollect just what their names was.
Q That was his young master A That is the ones he called his young master.
Q They w ere living there at that time? A Before the war?
Q Yes? A Yes, s ir, t hey was there before the war.
Q Sutt Beck and Head Beck brothers? A I souldn't tell you whether the are brothers or not, all of them Becks lives right in there, we used to go up in there and I knowed them all by name.
Q Double log house was that? A I don't recollect just how how the house was made.
Q You don't know whether it was boxec up or not? A I don't think it was.
Q First time after the war where was it you saw this party, the applicant? A First time I saw him I met him right there at the river, him and his father right there at the ford of the river where they run the boat across the river at Gibson.
Q That Grand River? A Yes, sir, that's the first place I saw him after the war.
Q How old was he at that time? A I souldn't tell you how old he was, he was big enough to do good work.
Q Was he grown? A He was a big man.

Q You know whether he was married at that time or not?
A No, sir, I don't.
Q Did you see his wife then? A No, sir, I didn't.
Q About what time in the year was that? A Well, sir, it was, if I recollet right, it was either in May or June, along there. It was along in the spring.
Q He driving a team was he? A No, sir.
Q What was he doing? A him and his father was standing on the bank of the river, and some other parties when we come across.
Q When did you next see him? A Next time I saw him was about a year after that I reckon, or a year and a half.
Q Where did you next see him? A Up on Grand river at Simon Lynch'
Q You know where he came from at that time? A No, sir, I didn't ask him.
Q You know where he was living at that time? A No, I ~~naight~~ don't belive I asked him where he was living.
Q You know whether he was married at that time? A No, sir, I don't.
Q Was any one else with him and his father when you saw them?
A Yes, sir, there was two or three women with them, one of them was Sindy Beak, used to be Guss Buffington's wife, and Nancy Tayler over here.
Q Who was with him at Simon Lynch's? A Let's see now who was with him, I don't remember who was with him; I don't remember only I saw him and two or three with him.
Q How long after that unt il you saw him again? A Well I didn't see him then for 6 or 7 years, it might have been long r and might not have been so long.
Q You wasn't a witness for him before the Kern-Clifton Commission?
A No, sir, he didn't have any I don't think; he asked me to wi them for him and I told him I could.
Q You didn't go in and testify? A I don't think I did.
Q You know whether he had any witnesses at all or not?
A No, sir, I don't know.
Q We had about the same sort of inbestigation as we have now, witnesses came in and testified? A Yes, sir.
Q And took down what they said? A Yes, sir.
Q you remember of seeing him down before the Bob Daniels Court?
A I wasn't there.
Q You wasn't there? A No, sir, I didn't go.
Q Then it was 6 or 7 years after that that you next saw him?
A Yes, sir, I didn't see him until after we moved on Big Creek.
Q You wasn't at his house in ft. Gibson? A No, si r.
Q Who was with ~~him~~ you at that time? A Me and James Ragsdale and and Art Williams.

SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Smith:
Q State your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A 8 miles west of here.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, Maryland Beak? A Yes, sir.
Q How long have you known him? A I got acquainted with him since the war.
Q Where did you first get acquainted with him? A On Big Creek.
Q When? A Along sometime late in the fall of '66 he came there.
Q Came to where? A Big Creek, Nation Cherokee Nation.
Q At what place did you see him on Big Creek, near what place was it, whose house and where was it? A He was to my house and around at other houses that was there, people lived there.
Q How long did he remain in the vicinity of Big Creek? A He didn't stayed there after he went back.
Q Was he with him? A [illegible]

Q You know where Maryland li es now? A He lives there on Big Creek.
Q How far from you? A It is about 12 or 15 miles, I guess, over there.
Q How long has he been living in the neighborhood? A Ever since he settled there.
Q Ever since the fall of '86? A Yes, si r.
By Com'r Needles: Do you know his wife, Mary? A Yes, sir, I got acquainted with her.
By Mr. Smith: Did you know whether he and Mary were married or not? A Yes, sir; I married them.
Q Where did you marry them? A Right at his house.
Q When, you know ab ut how many years ago? A Not exactly, it has been a good while ago though.
Q You know whether he and Mary had any children or not?
A They had one child when I was ther last. Sat the children and the woman last.
Q One when you saw them last? A Yes, sir, when I saw her last she had one child then.
Q Did she go awa from here? A Yes, sir, I heard she left, I ain't saw her since.
Q How long before she left was it before you saw her?
A It was quite a little bit before she left that I saw her.
By Com'r Needles: Do you know how long they lived together as man and wife? A I don't know whether it was 2 years or 3 years.
Q You know how many chil ren they had born to them?
A I hears she had anetherone, I don't knew.
Q You only saw one? A Yes, sir, I only saw one.
Q You don't reallect ab ut what year it was you married them?
A I couldn't tell exactly just what year it was.
By Mr. Hastings: What was her maiden name? A I don't know what her maiden name was, she was a widow, her husband died there, she was a Lett.
Q Did she have some children by her first husband? A Yes, sir.
Q How many? A I couldn't tell you that, I don't know, there was two or three to my knowledge, I don't know exactly.
Q You don't know whether they were boys or girls? A No, sir, I don't; they was little things, small children, I couldn't tell you.
Q Was her first husban dead at that time? A Yes, sir, he died there right on the creek.
Q You know what year he died? No, sir, I don't; it was along in August though, we was holding association there when he died, but I dun't knew what year it was.
Q You donet know what year you married this man? A Can't tell exactly, it has been right smart little bit ago.
Q It has been a good while since he came up to that country too?
A Yes, sir.
Q But you have a distinct recollection when he first came there?
A Yes, sir, we was glad to see anybody come.
Q He was a stranger to you? A Yes, sir.
Q What was his first wife's name, was that his wfirst wife?
A No, sir.
Q What was her name? A Ibbie.
Q Ibbie what? A Mays I guess her daddy was Mays.
Q What wa her daddy's first name? A Dave Mays.
Q Was she living there w hen maryland came up there?
A I believe she was I am r right certain, I don't know whether he got there first or they got there first.
Q Where did he marry her? A He married her there on Big Creek.
Q You know how long after he came up there until he married her?
A No, sir, not exactly.
Q [illegible] a year? A I couldn't answer that, because I never [illegible] right [illegible] I

Clifton Court? A No, sir.
Q Were you down before what is known as the Bob Daniels court in '71? A Yes, sir, I was down there.
Q Did you see Maryland eck down there? A I think I didn, and a whole lot more.
Q Did you witness for him down there before the court?
A No, sir, I don't think I did.
Q How far from you on Big Creek did he locate? A Some two or three miles.
Q Made a place there? A Yes, sir, made a place.
Q How far was Jim Martin living from him at that time?
A Little over a half mile, or nearly a mile I reckon.
Q Did he continue to live there? A Who?
Q Maryland Beck? A yes, sir, Jim Martin bought a place just be ow Beck's when he come in.
Q How long after that until Jim Martin came? A Jim Martin brought 31 head of cattle there in the fall of '67 and left them, and we put up hay for them, and left and moved back in '68.
Q And Maryland Beck was living there at that time? A Yes, sir.
By Mr. Smith: You were asked about as to whether you testified for this applicant before the Bob Daniels court, did you see anybody testify for him before the Bob Daniels Court? A No, sir.
Q Do you know whether he ever had any trial at the Bo Daniels court or not? A He didn't have any as I know of.
Q You say you saw quite a number of people there at the Bob Daniels court? A Yes, sir.
Q What were they doing there? A We saw a piece in the papers where they was calling us down there and we made up a big crowd and went there.
Q What did you do when you got there? A My father and another one or two made applications there and of course they admitted them some way, I couldn't tell you how, I was admitted at the same time, but I can't t ell you just how it was done really.
Q Do you know how any of these people made applications?
A I beli ve Mary still my father and Charley Campbell and my b other Johnson, was admitted all at the same time, but they couldn't find his name on the roll though they say over yonder.
Q So far as Maryland Beck is concerned, you don't know whether he had anytrial at all or not? A They didn't try all of them I believe.
By Mr. Hastings: You know whether they tred his case at all or not? A They didn't try all of them, they didn't try his case that day.
Q Are you willing to say they didn't try his case?
A If they did I didn't see them.
Q Well you don't know then? A No, sir.

JOHN LANDRUM, being sworn by Com'r Needles, testified as follows: By Mr. Smith:
Q State your name? A John Landrum.
Q What is your age? A 52.
Q Where do you live? A On Lightning Creek.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know thi s applicant, Maryland Beck? A Yes, sir.
Q How long have you known him? A Been knowing him before the war, whenewe was boys, little children you might say.
Q Did you go out of the Cherokee Nation during the war or not, yourself? A No, sir, I didn't go out myself.
Q Where were you during the war? A I went out with the soldiers.
Q You didn't go out yourself, you just went out with the soldiers?
A No, sir.
Q When did you get back to the Cherokee Nation? A I got back in '66 in the fall.
Q When did you first see Maryland Beck after you got back?

A I saw him in Gibson.
Q When? A In '65.
Q What were you doing in Gibson in '65? A I helped haul the Creek Indians from Kansas down to Gibson to their country, the Creek darkies I mean, some of them, a few that was left.
Q Then where did you go after you made that trip? A Went back to Kansas.
Q And then when did you ~~go~~ ~~xxxxx~~ ~~you~~ come back to the Cherokee Nation? A In '66.
Q Well how long after you came back here in '66 before you saw Beck? A After I come from -
Q From Kansas here, after you came back in '66 did you see him any time after that? A Yes, sir.
Q Where did you seehim then the next time? A I saw him up on Big Creek.
Q When was that? A I think it was, yes it was in '67, if I ain't mistaken, somewheres along there.
Q You know where he lives now? A Yes, sir.
Q Where? A On Big Creek.
Q How long has he been living there? A Ever since he moved there, he has never been aaway from t here to my knowning.
Q When did he move there? A I don't know when I saw him he was there.

By Mr. Ha stings: Where was he at in '~~65~~ '65 when you saw him?
A At Gibson right on the bank of the river, when we drove up and stopped to camp right at the boat landing.
Q Just standing there? A Yes, sir, by the side of his daddy.
Q His father wasright by him? A Yes, sir.
Q Was Allen Lynch down there at that time? A He wasn't with me.
Q Did you see him in Ft. Gibson at that time? A He was there after we located to camp he came there in camps.
Q And you saw him? A Yes, sir, I saw him there.
Q What time in '65 was that? A I couldn't tell you just what time it was.
Q Spring or fall or su mmer? A It was along up in the summer.
Q How many Creek darkies did you take down there? A I took down a couple of families, well I had a man and his family and 2 daughters.
Q What was his name? A One of them was named Recumsah Barnett.
Q What wa his wife's name? A I forget his wife's name, I wasn't acquainted with them good enough to remember from that time, it was so long.
Q What was his daughers' name? A One of them I think was named Hannah, I think they calledone of them, that's about all I remember of the occurrence.
Q From what place in Kansas did you take them? A Leroy.
Q When were you discharged as a soldier? A Why I wasn't a regular soldier, when they first got up the recruiting office, you know when we first went from the Territory here and was turned loose, freed as they calledit, they turned us aloose there at Ft. Scott and then we vanished off to shift for ourselves and we went to Mound City.
Q Was that when you was discharged at Ft. Scott? A No, sir.
Q Was you in the regular army? A No, sir.
A When we was carried out of here by the soldiers, I mean we was turned loose there at Ft. Scott.
Q And you continued to work at Mound City did you? A That's where we went to make a living you know.
Q Were you at Mound City in the spring of '65 A No, sir.
Q Where were you in the spring of '65? A I was at Leroy.
Q And these creek darkies were all up there? A Yes, sir, they was at Leroy.
Q And you turned them aloose at Ft. Gibson? A Yes, sir, that's where we left them.
[illegible] at that time?

Q No, sir, he didn't have no place then; he was just a young boy, stoppeding I guess with his daddy.
Q About how old was he? A I couldn't t ell you.
Q How old did he look to be? A I couldn't tell you anything about his age.
Q Was he 10 years old? A Oh he was over that.
Q What was his master's name? A Joe Beck.
Q Where did Joe live before the war? A He lived the other side of Long Prairie.
Q Was you ever at their house? A Yes, sir, lots of times.
Q How long before the war was it? A I couldn't tell you, it was a long time.
Q s much as 10 years? A Yes. We was just small boys then.
Q Was as much as ten years before the war? A I expect, may be more, it was a good while.
Q You hadn't seen him then up until '65? A Yes, sir.
Q next time you saw him was in '67? A Yes, sir, on Big Creek.
Q Did he have a place up here then? A Yes, sir.
Q How far was he living then from where he livesnow? A I don't know, about half a mile, hardly that far.
Q You know whether he was married? A I guess he was married on Big Creek.
Q He was married when I saw him there.
Q Was he married when you saw him at Ft. Gibson? A No, sir.
Q Didn't have a wife at that time? A No, sir.
Q You testified in the George Thompson case? A Nol sir.
Q Didn,t you t estify for Alfred Bell? A Yes, sir.
Q You said you saw him in '66 ere? A Yes, sir.
Q What time do you think you saw him? A It was in '67.
Q What time in '67? A -
By Mr. Smith: If the Court please, I object to this.
By Com'r Needles: Well it goes to test the witness I think.
Q By Mr. Hastings: About what time was it? A I think it was in January, It was so said to be January by the people who know better than I do.
Q You don't know about the months? A not exactly of course I know them, I am getting old, I forget them; if I don't put down the dates I forget them.
Q How about the years, do you ever forget them? A I sometimes I have to take time to study for it though.
Q You didn't witness for this man before the Kern-Clifton court did you? A Yes, sir, I think I did.
Q you came in and were sworn and made a statement before the Kern)Clifton C ourt in his behalf did you or not? A Yes, sir.
Q You to,d then you saw him in '65 down there did you?
A They never asked me nothing of that kind.
Q But you did make a statement? A Yes, sir, but they never asked any questions hardly at all, just asked me did I know him and who he belonged to and what time he went out and how we went out.

Applicant, MARYLAND BECK, re-called and further examined.
By Mr. Hastings: How long did you and your second wife Mary Lett live together? A Somewheres between 3 and 4 years.
Q How many children did she have when you married her?
A She had 2.
Q What are their names? A Etta and Quill.
Q She have any other? A No, sir.
Q How long afteryou married her until this child for whom you make application was born? A Oh I don't know, It might have been a year probably.
Q Was that second child born while you were living together, as husband and wife? A Yes, sir.
Q How long did [illegible] in the neighborhood after you separated?

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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ACTING CHAIRMAN.

A She stayed there pretty near one summer, winter.
Q And then she left? A Yes, sir.
Q She take both of these children with her? A Yes, sir.
Q Both of them are living with her yet? A No, sir.
Q When did you get this child back from whom you make application?
A He has been with me a good while, the boy.
Q How long? A He has been with me a couple or three months.
Q How old is he now? A He is 10 years old.
Q Where did he come from? A Come from Springfield.
Q The other child is in Springfield now? A Yes, sir.
By Com'r Needles: Why didn't you get the other child when you got this one? A She wouldn't let me have it because it was a girl.
Q Did she willingly let you have this boy? A Yes, sir.
Q Was her first husband a citizen? A No, sir.
Q He was a non-citizen man here? A Yes, sir.
By Mr. Hastings: How old is Lottie? A Lottie is 30 years old, according to my judgment.
By Com'r Needles: Did you ever have any child by Ibbie Mays?
A Yes, sir.

Com'r Needles: Maryland Beck applies for the enrollment of himself and two children, Ida, 12 years of age, and Harvey, 10 years of age; he avers that he was a slave of Joseph Beck, never left the Cherokee Nation during the war, and that he was at Ft. Gibson in the Cherokee Nation in the year 1866; he avers that he has resided in the Cherokee Nation from that day until this. He avers that he was first married to one Ibbie Mays, and that upon the death of Ibbie Mays, he married Mary Lett, a non/ citizen, whom he avers is the mother of the children for whom he makes application. He makes proof of his marriage by Elder Webber, who testified that he married him; said Mary Lett and the applicant separated and he has since married one Minnie Sanders, a Cherokee Freedman, whose name is on the roll of 1880. He avers that the oldest child, Ida, is now living with his wife Mary, from whom he has separated, in the state of Missouri; the youngest child, Harvey, is now in his custody and keeping. The fact that the name of Maryland Beck does not appear upon the authenticated roll of 1880 and the further fact that his citizenship is contested by the representatives of the Cherokee Nation, said Maryland Beck and his 2 children, Ida and Harvey, will now be listed for enrollment as Cherokee Freedmen on a doubtful card; he will be notified by the Commission at his post office address of their decision in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this July 10, 1901.
(Signed) T. B. Needles, Commissioner.

---oooOOOooo---

J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.
Subscribed and sworn to before me this August 27th, 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 190 1.

In the matter of the enrollment of Lettie Pack who applies for the enrollment of herself as a Cherokee Freedman said Pack being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Lettie Pack.
Q How old are you? A 30.
Q What is your post offi ce address? A Wagoner.
Q What district do you live in? A Coweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Are you married? A Has been.
Q What is your husband's name? A Joe Pack.
Q Is he living? A No, sir.
Q You are not living with him? A N o, sir.
Q What is your father's name? A Maryland Beck.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Ibbi e Beck.
Q Is she living? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q On what roll? A Wallace and Kern Cli fton roll.
Q When were you married? A I don't know, sir.
Q Was about how long ago? A I don't know, about seven or eight
Q Did you draw your mon ey on the Kern-Clifton ro ll under the n ame of Pack or Beck? A Beck.
Q Is your name McDavis, ever been? A Yes, sir, on the Wallace.
Q How did your name happen to be McDavis? A I was married to him.
Q Been married twice? A Yes, sir.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The Kern-Clifton Roll of Freedmen of t he Cherokee Nation examined and name of applicant found thereon, page 137, #341? , Lettie Beck, Coweescoowee Distri ct.
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 99, #2113, Letta McDavi d, Illinois District.

Q Where were you born? A In Coweescoowee.
Q Cherokee Nation? A Yes, sir.
Q Live in the Cherokee Nation all your life? A Yes, sir.
Q You say you claim citizenship through your father?
A Yes, sir.

COM'R NEEDLES: Lettie Pack applies for the enrollment of herself. She avers that she is the child of Maryland Beck. She avers that she was married at one time to one McDavid, and she has since married to Joe Pack. She can not be found u pon the authenticated roll of 1880 or census roll of 1896. She is identified upo n the Kern-Clifton roll as Lettie Beck and upon the Wallace roll as Letta McDavid, that having been the name of her first husband. She claims her citizen shi p through her father, who has been listed for enrollment by this Commission on doubtful card #384, and said case will be made part of the record in the case of her and a copy of the same filed herewi th. Said Lettie Pack having made satisfactory proof as to r esidence will be listed for enrollment as a Cherokee Freedman upon doubtful

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 18 1901

ACTING CHAIRMAN.

Lettie Pack, et al, vs.

full card, awaiting further consideration of the Commissi on. She will be duly notified by mail of the decision of the Commission.

---oooOOOooo---

J. O. Rosse n, being first duly sworn, states that as stenographer to the Commi ssion to the Five Civilized Tribes, he correctly recor ded the testimony and proceedings in t his case, and that the foregoing is a true and complete transcript of his stenographi c notes thereof.

J O Rosser

Subscribed and sworn to before me thi s 13th day of July, 1901.

Commissi oner.

F'D. 884

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ....

....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.....day of..... 190....

..... McAlester

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

....

on the..... .....day of..... ..... A. D. 190....

....

Subscribed and sworn to before me this ....

....

Notary Public.

Filed

SEP 21 1901

NOTICE!

IN THE MATTER OF the application of Maryland Beck for enrollment as Cherokee citizens:

Case No. D 884

To Maryland Beck or Kellotte & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 19th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9 28 1901.

L. B. Bell.

W. W. Hastings

Attorneys for the Cherokee Nation.

F. D-234.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Maryland Beck for the enrollment of himself et al as Cherokee freedman.

SUPPLEMENTAL TO D-234.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a marriage certificate of Maryland Beck to Ebbe Mane recorded January 15, 1867, showing that the said Maryland Beck and Ebbe Mane were united in matrimony by the Rev. Thomas Wallock on the 5th day of January, A. D. 1867, at the residence of G. H. Drake in Scott Township, Bourbon County, Kansas.

MR. SMITH: The applicant objects because the same does not tend to prove any issue in this case.

COMMISSION: This testimony will also be filed with and made a part of the record in the case of Dallas Beck, D-914, who is represented by Mellette & Smith.

Arthur G. Gresinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Gresinger

Subscribed and sworn to before me this 29th day of May, 1902.

G. Rutter
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman;

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitaker, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be sustained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill, of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days in file any or the proof of any or all of the record cases upon the cases already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, N. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

N. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Maryland Beck, et al., as Cherokee Freedmen, consolidating the applications of

Maryland Beck, et al.,....	Cherokee	Freedmen	D 884
Lottie Pack,.....	"	"	D 890
Dallas Beck,.....	"	"	D 919
Benjamin Beck,.....	"	"	D 996

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maryland Beck for himself and his minor children, Ida and Harvey Beck; by Lottie Pack for herself; by Dallas Beck for himself; and by Benjamin Beck for himself.

The evidence shows that the principal applicant, Maryland Beck, was the slave of a Cherokee citizen at the commencement of the rebellion; that he remained in said Nation during the rebellion and was residing therein in the fall of 1866. All the other applicants herein were born since 1866 and are the children of said Maryland Beck, claiming right to enrollment through him.

The evidence further shows that said Maryland Beck has resided in the Cherokee Nation continuously since the commencement of the rebellion; and that all the other adult applicants have resided in said Nation all their lives. The residence of said minor applicants is considered to have been the same as that of their father, Maryland Beck.

It is, therefore, the opinion of this Commission that Maryland Beck, Ida Beck, Harvey Beck, Lottie Pack, Dallas Beck and Benjamin Beck should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

(SIGNED) W. E. Stanley
Commissioner.

Muskogee, Indian Territory,

this MAR 5 1904

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

In the matter of the application for the enrollment of Maryland Beck et al as Cherokee Freedman.

Cherokee F. D. 884.

P R O T E S T.

The Cherokee Nation respectfully protests against the decision of the Commission in this case and prays an appeal to the Honorable Secretary of the Interior.

A R G U M E N T.

The applicant in this case states that in 1901 at the time he made his application to this Commission for enrollment that he was 58 or 59 years old and that he belonged to a citizen of the Cherokee Nation at the Commencement of the Rebellion and that he continued to reside in the Cherokee Nation ever since that time. That he was married in the fall of 1866 on Big Creek in the Cherokee Nation and he introduces three witnesses to substantiate his statements.

This is one of our best opportunities to call the attention of the Honorable Secretary of the Interior, to the n ature of the baseness of of this freedmen testimony that we know of.

Maryland Beck swears that he that he was married to his first wife Ibbie Hayes on Big Creek in the Cherokee Nation by Samuel Webber. Sam'el Webber comes on the stand and testifies to about the same statement of facts. They bring two other disreputable freedmen [illegible] the stand to corroborate them and for that matter it is generally known and conceded that they could have brought as many of these freedmen before the Commission as witnesses to testify to any state of facts, [illegible] or any statement of facts that they desired to prove. But now like the question whether Maryland Beck did live in the State of Arkansas [illegible] raise most strenuously. The Cherokee Nation argued in evidence the marriage certificate showing that Maryland Beck [illegible]

Thomas Withlock on the 5th day of January 1867, in Bourbon County, Kansas at the residence of C. H. Drake; now the names of the parties are the same because the wife of Mary Land Beck was named Ibbie Mayes and Ibbie Mayes was the daughter of David Mayes a Freedman who went to Kansas during the war. This testimony shows to the Department how the Cherokees and the Cherokee Nation are being robbed by perjured testimony..

Oftentimes these Cherokee Freedmen who care not a snap of their finger for their oaths testify for other freedmen and the Department must be wellaware that becausecf the long number of years that have intervened it is difficult to disprove directly these statements. In this case they swear positively that Maryland Beck was never in Kansas; that he was always in the Cherokee Nation that he was in Fort Gibson during the whole of the year 1866 and each succeeding year after that time. They all swear that he was married on Big Creek in the Cherokee Nation and that Sam Webber married them. Now the Department will notice that they have committed wilful perjury by attempting to conceal the fact that Maryland Beck was ever in Kansas because the record testimony shows that he married in Kansas and that the marriage licenses were recorded January 15, 1867 or dangerously near the time within which he must have returned to the Cherokee Nation. He was not married by Samuel Webber but by Thomas Wethlock in Kansas.

The Cherokee Nation has never objected to the admission of the freedmen who by honest testimony shows that they complied with the provisions of the treaty of 1866 but it does most strenuously object to the admission of Freedmen upon testimony which is shown to be perjured like this.

If this man had an honest case, if he were rightfully entitled to be admitted there would have been no necessity for him to have resorted to perjury.

Again the testimony in this case shows that the applicant was given a fairtrial in 1871, only a few years after the war when there were plenty of witnesses whose memories were fresh as to the exact date of the removal of the applicant; then it was not claimed in evidence that it was only left to a few colored men to make up testimony [illegible] the Cherokee Nation to disprove it because their [illegible] could be number not and [illegible] had these applicants were [illegible] or [illegible] answered to any [illegible] Department in this case [illegible] the applicants did not [illegible] the freedmen witnesses [illegible] we therefore submit that [illegible] referred.

[illegible]

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS REPLY TO
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-884 et al.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Maryland Beck et al., granting the applications for the enrollment of Maryland, Ida, Harvey, Lottie, Dallas and Benjamin Beck as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Commissioner in Charge.

Enc. D-12.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROKENRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-884, et al

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 7, 1904.

Respectfully,

Chairman.

F. D. 884, says that he married Lizzie [illegible] on his [illegible] plantation, in January 1867. [illegible] corroborates his statement. The record [illegible] Court [illegible], shows that he married Lizzie [illegible] Courtland County on January 15, 1867.

Cher Fr D 885

Cher Fr D 885

To be filed with case of Sadie Ward, C.F.D-365.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 8, 1901.

In the matter of the application of Squire Ward for the enrollment of himself and three children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Squire Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Squire Ward.
Q How old are you? A I don't know, about forty some odd years.
Q What is your post-office? A Centralia.
Q What district do you live in? A Ceoweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A I have four children.
Q Please give me the names of your children? A Sadie.
Q How old is Sadie? A Sadie is about 21 I think.
Q She will have to apply for herself; any children under 21?
A I have three; Joe.
Q How old is Joseph? A He is 18.
Q The next child? A Jennie.
Q How old is Jennie? A Jennie is 16; and Eliza, 13.
Q That all? A That is all.
Q Are you married? A Why no, not now.
Q Were you ever married? A Yes, sir.
Q What was your wife's name? A My wife's name was Mary Mays, she belonged to the Whitmires.
Q Is she living? A No sir.
Q Were you ever married to her? A Yes, sir.
Q Was she a Cherokee citizen? A Yes, sir.
Q On the roll of 1880? A Not on the 1880 or '96.
Q What was her father's name? A Dave Mays.
Q Is he living? A No, sir.
Q What was her mother's name? A Susan.
Q When were you married to her? A I don't know the day of the year, it was about 23 or 24 years ago, I don't know just what day we were married.
Q Were you ever married before you married Mary Mays? A No.
Q Was she ever married before she married you? A No, sir.
Q Have you got any proof of your marriage? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A It is on the Wallace and Clifton rolls.
Q What is your father's name? A Peter Ward.
Q Were you a slave before the war? A Yes, sir, I don't recollect much about it.
Q Have you a brother named Abram Ward? A Yes, sir.
Q Peter Ward and Abram Ward, the Wards that have just been listed for enrollment as Cherokee Freedmen? A Yes, sir.
Q Where were you born? A I was born at Beattie's Prairie, in the Cherokee Nation.
Q Are you the Squire Ward that wrote to the Secretary of the Interior complaining that the Dawes Commission were refusing to put Cherokee Freedmen on the roll? A No, I didn't write that; some of the people did and we wrote a letter for some ruling or change of the Dawes Commission made by their body; I don't think I wrote anything like that.
Q You wrote to the Secretary of the Interior? A Yes, sir.

Q You are President of the Freedmen's Aid Protective Association?
A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kern-Clifton roll examined, and the applicants not identified thereon as follows:
Squire Ward on page 126, No. 3137, Cooweescoowee District;
Joe Ward on page 126, No.3139, Cooweescoowee District;
Jannie Ward on page 126, No. 3140, Cooweescoowee District;
Eliza Ward, on page 126, No. 3141, Cooweescoowee District;
The Wallace roll examined and the applicants identified thereon as follows.
Squire Ward on page 151, No. 3149, Cooweescoowee District;
Joe Ward, on page 151, No. 3151, Cooweescoowee District, as Joseph Ward.
Does Abram Ward know about your marriage?A Yes, he knows it.

Abram Ward, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abram Ward.
Q How old are you? A 55.
Q What relation are you to Squire Ward, the applicant? A Brother
Q Do you know his wife Mary?A Yes, sir.
Q Do you know whether Mary and Squire were ever married or not?
A Yes, sir, they were married.
Q How do you know that?A I was present.
Q Where were they married?A Married up on Big Creek.
Q About how long ago? A It has been twenty odd years.
Q Is Mary Ward dead? A Yes, sir.
Q Did they live together as man and wife until her death?A Yes, sir.
Q They were recognized in the community and neighborhood as man and wife?A Yes, sir.
Q Do you recollect the names of the children?A Sadie; I can't really call the names of all the children.
Q Have one named Joseph?A Joseph, yes sir.
Q Jennie?A Jennie.
Q Eliza? A Eliza Jane.
Mr. Hellette: Are you the Abram Ward who made application to-day for enrollment as a Cherokee Freedman?A Yes, sir.
Q You say the applicant here is your brother? A Yes, sir.
Q Is he the son of Peter Ward?A Yes, sir.
Q Who also applied for enrollment to-day? A Yes, sir.
Q Now in relation to yourself, when did he return to the Cherokee Nation after the war? A He came down when we did, me and my father.

Squire Ward, recalled, testified:
Mr. Hastings: Squire, did you see your young master, Joe Ward, in Kansas just after the war?A No, I didn't see him, he was up there, but I didn't see him, he was up there, but I never saw him; yes, I heard he was there.
Q How long after the war was it you were advised he was up there?
A He was there when he was mustered out, I think at Leavenworth, that is the way I heard it, I was pretty small, I don't recollect it. I didn't see him, I knew he came past there, I heard he did.
Q You are the president of the Freedmen's Aid Protective Association?A Yes, sir.
Q About how many members do you have belonging to that Association?
A I can't tell you just the number Mr. Hastings.
Q About how many, 100?A No, sir; you mean in the Freedmen's Protective Association at Big Creek; we had that kind of an association there, and there were various others; in ours there was sixty or seventy, maybe more.
Q Mr. Sam Webber belong to that lodge?A I don't remember, seems like he did.
[illegible] sir.

Q You know your members don't you?A I know some of them, some I don't; there is a good many I know, there is some I don't, I don't have the roll.
Q Well, what is the object of the Association, to swear for each other?A I f they know anything in the particulars of a case to testify the truth as near as they know, and not give in things they don't know; now there is a great many that through it was a good idea to who would make a witness, or who would testify in the court in their behalf.
Q It is a secreet organization?A No, it is not much secert.
Q You don't hold your meetings for anybody to come in?A We do sometimes and some times we don't.
Q Refresh your memory, I want to know if Abram Warden belongs to it?
A Yes sir, I think so.
Q Your father Peter?A Yes, sir; I don't know, a good many of the old people don't, I am not positive but I think he did; there is lots that belonged to it that never met after the first meeting.
Q Each neighborhood has a different association?A Thatis the way it was, yes theyhave an association, we are just the branches of thesame, or about the same.
Q You are the president of yours? Ayet? A Yes, sir.
Q Who is your secretary? A Nelson Grubbs; there is lots of men I know personally that I know belong to it, but I can't call the names just now.
Commissioner: Has yourAssociation got a constitution or by-laws or articles of association that sets forth what is the object of theAssociation? A Why just to protect eachother in their rights.
Q Have you any written constitution or by-laws or statement?A We justhad a kind of temporary.
Q Did the members sign a paper? A No.
Q Did you have any initiatory ceremonies, make them ride the goat, or anything of that sort?A No, there is not any goat.
Mr. Hastings: You make them take any oath?A No, they didsay something about that but it wasn't never exercised to take any oath.
Commissioner: The object of the association is for theprotection of the members in enrollment matters?A Yes as far as they know; to give testimony to help eachother andassist each other in making the roll legal.
Q Is there any obligation or intention to manufacture testimony?
A No.
Q Or to give fraudulent testimony?A No, sir.
Q Or to commit perjury? A No.
Q Nothing of that kind?A No, nothing of that kind.
Q You help eachother financially some times in regard to this matter?A No, not unless it is for some expense of witnesses.
Q And expenses of Attorneys I suppose?A Yes, sir.
Q Looking out after your own interests?A Yes, sir.
Q Something on the plan of the Cherokee Council looks after theirs?
A Yes, sir.
Mr. Hastings: Your meetings though are secret, aren't they? A Why yes, you might call them secret meetings.
Q Have you ever known of a member of yourassociation testifying against one of them? A No, I don't know whether I have or not.
Q Is one of them subpoenaed to?A Well now, if he knew anything, we don't have nothing that is to keep him from it.
Q But you don't know of one that belongs to yourassociation that has testified against another? A No, sir.
Commissioner: There is no obligation thatis to prevent any member of this Association from testifying a man wasn't here in '66? A No, our object was to get some body that did know these people, for us just to find out who did these know these people, and to testify in their matters.
Q Are their meetings held in secret?A Yes, sir.
Q Sometimes they are open?A Yes, sir.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
AUG 12 1901

ACTING CHAIRMAN

Squire Ward #

Q You have known it known as executive session the same any other body I suppose? Yes, sir.
Q Same as they have in Congress, or by the Cherokee Councils, and the Legislatures? Yes, sir.
Mr. Mellette: Do you remember coming back to the Nation after the war? I don't remember much about it, Mr. Mellette, I wasn't old enough to remember much about it.

Commissioner Squire Ward applies for the enrollment of himself and his three children. From an examination of the rolls of 1880 and 1896 he cannot be identified, but he is identified upon the Kern-Clifton and the Wallace rolls. The names of his three children for whom he applies are identified upon the Kern-Clifton roll, and the oldest one, Joseph, is also identified upon the Wallace roll. He makes satisfactory proof of his marriage to his wife Mary Maya, mother of said children, she being now deceased. He avers that he is the brother of Abram Ward, who is listed for enrollment on D card 467, this day, and the testimony taken in the matter of the enrollment of Abram Ward will be made part of the record in the case at bar, and a copy of the testimony will be filed with the testimony now being taken. The said Squire Ward will be notified of the decision of the Commission when arrived at, by mail. He and his three children will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 8th of June, 1901.

(signed) S.R. Breckinridge
Commissioner.

oooooooo

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this August 8th, 1901.

Commissioner.

X

To be filed with Zadie Ward
D.C.D. 885

[illegible]

[illegible] of the Interior,
[illegible] Five Civilized Tribes,
[illegible], June 8th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedman; he being sworn by [illegible] testified as follows:

Q What is your name? A Abraham Ward.
Q How old are you? A 55.
Q What is your postoffice address? A Wymer.
Q In what district do you live? A Goweesoogwee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A Son boy Artas Ward.
Q How old is he? A 15 years old.
Q Are you a recognized Cherokee freedman? A In part I am.
Q Is your name on the 1880 roll? A No sir.
Q Is it on any of the rolls? A The Kern Clifton and on the Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 125, No. 3117, Abraham Ward, Goweesoogwee District.
Page 125, No. 3124, Artus Ward, Goweesoogwee District.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 3162, Abraham Ward, Goweesoogwee District.

Q Where were you born? A On Bates' Prairie.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Jim and Eliza Ward.
Q Were they Cherokee citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I went into the Government service.
Q Where did you go? A In '62 I went into the Union Army.
Q What regiment? A Blount's Division.
Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.
Q Where did you go? A Went to Cane Hill, Arkansas, waited on the officers and after that I drove a Government team.
Q When did you return to the Cherokee Nation? A In the spring of [illegible].
Q Have you lived here continuously ever since? A Yes sir.
Q Are you married? A Yes sir but my wife is dead.
Q Who was the mother of Artus? A Caroline.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A Jim Ward.
Q Is her name on the 1880 roll? A No sir.
Q Was her name Caroline Ward before you married her? A Yes sir.
Q When did you marry her? A In '68.
Q Where? A Up in Kansas.
Q Did you return with her? A Yes sir, I came on down and came back in the fall and brought her.
Q How much of a family did you have [illegible] home, all of your children have been here.

Q Did you live with Caroline until her death? A Yes sir.
Q Who were your owners? A Jim and Louisa Ward.
Q And they were Cherokee citizens were they? A Yes sir.
By Mr. Mellette:
Q Have you a place on the Public Domain or the Cherokee Nation?
A Yes sir.
Q How long have you owned it? A Since 66.
By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.
By Mr. Mellette:
Q You have never lived out of the Cherokee Nation since your return in '66? A No sir.
By Mr. Hastings:
Q Your father was Peter Ward? A Yes sir.
Q Are you his son? A Yes sir.
Q Are you his oldest son? A Yes sir.
Q You went to Mound City Kansas didn't you? A Yes sir after I quit driving Government teams.
Q That is in Linn County? A Yes sir.
Q Do you know Cusky Brown? A Yes sir.
Q Did you see him in Kansas? A Yes sir.
Q What year did you see him there? A I think it was in '67.
Q You knew Joe Ward? A Yes sir we was raised together.
Q He was your young master? A Yes sir.
Q You saw him in Kansas too didn't you? A Yes sir in '65 when I was driving a Government team he come to our house.
Q Was that after or before the war closed? A Same year that the war closed, I saw him in Mound City and he went up to my father's house, I was living with my father.
Q You were not married then? A No sir, married directly after.
Q What year did you marry? A In the fall of '65, after he was up there.
Q How old is your oldest child? A He is 32 I think it is according to my judgment.
Q What time in the year was that oldest child born? A In September
Q Was he 32 last September or this coming September? A This coming September.
Q That is your best judgment? A Yes, sir.
Q Did you come back with your father, Peter Ward? A No sir not the first time I come.
Q Didn't you testify before that you come back with your father?
A No sir, I went to Fort Gibson the first time and the next time I came down with him.
Q How long after that did you come down again with your father?
A The same year, I came to Fort Gibson in the spring and came back to Kansas and back here again in the fall, with my father.
Q You had married then? A Yes sir.
Q You came down the last time in November? A Yes sir.
Q Who came with you that first time? A Six Mosley or Rogers.
Q Came through on horse back? A Yes sir.
Q How long did you stay here then? A Staid a considerable time, had kin folks there.
Q Who? A Berry Mays and Mr. Mays.
Q Well how long did you stay there? A About a month or so.
Q How long after that did you come with your father? In November
Q You located permanently that last time? A Yes sir, but I lived on Big Creek when I went back from Fort Gibson to Kansas the first time.
Q How far did you locate from Snow Creek? A 8, 10 or 12 miles.

Q What direction from the mouth of Snow Creek? A Northeast.
Q How far from the Kansas line? A About 8 miles south.
Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.
Q Had they houses there then? A Yes sir.
Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
Q What time was it when you went up? A In August.
Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
Q That was in 68? A No sir.
Q Your young master Joe Ward testified that he saw you there in '67?
A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.
Q Where? A On Big Creek.
Q When? A I had been there about two years.
Q Did you locate right on the place where you now live? A Yes sir.
Q And have lived there ever since? A Yes sir.
Q Is your father living? A Yes sir.
Q He lived there with you? A Yes sir.
Q What Cherokees are living along there? A Albert Morris.
Q Was he living there when you come? A No sir.
Q How far was Jim Martin living from there when you come there?
A No sir, he was not living there and the Delawares were not living there either then.
Q You anticipated that question didn't you? A I know they was not living there then.
Q What made you answer that question before I had asked it? A I heard some of the people saying that they was on there then and I am telling you right. I thought it was coming and I was going to tell you about it.
Q Where did you get anything to see that fall? Get it from these Webbers and Sanders? A We brought some along with us.
Q Do you know Jess Brown and Rosanah? A Yes sir.
Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
Q Was Sam Webber living in a house up there? A Yes sir.
Q Who did you stay all night with up there? A With Peter Meigs.
Q That was in August? A Yes sir.
Q 1866? A Yes sir, latter part of August.
Q Did old Peter Meigs have an a crop there then? A Yes sir a little one.

By the Commission:

Q Why is your name not on the roll? A I don't know, the census takers didn't [illegible]
Q Did you ever [illegible] enrolled? A No sir; the reason I didn't [illegible] there and tried it and come back and [illegible] necessary to go down there as the was not [illegible]

[illegible] testified, [illegible] Com'r T. B. [illegible]

By [illegible]
Q What is your [illegible] A [illegible]
Q What is your [illegible] A [illegible]

Q What is your postoffice address? A Claremore.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A I got acquainted with him in the fall of '68.
Q Do you know if he was a slave? A No sir I dont.
Q Where did you see him in the fall of '68? A At Fort Gibson.
Q Have you known him ever since that time? A I saw him after I moved up here to Cooweescoowee.
Q How did you happen to see him in Fort Gibson in '68? A He come to Amanda and Ruthe Adairs and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:

Q He was a stranger to you in '68? A Yes sir.
Q You had never seen him before that? A No sir.
Q You didn't witness for him before the Mars Clifton Court did you?
A No sir.
Q Do you know how long he staid in Fort Gibson that time? A No sir I dont.
Q What time did you see him there? A In the fall.
Q What time in the Fall? A First part of September or the last part of August, somewheres along there.

By the Commission:

Q How did you know it was in '68? A Because I was living right there and notices all the girls that come in there.
Q You was a young man then? A Yes sir.
Q You was a government officer also wasn't you? A Yes sir.

SAM WEBBER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
Q How old are you? A 58.
Q What is your postoffice address? A Nowata.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A Got acquainted with him in Kansas
Q During the war? A Yes sir, time of the war.
Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
Q Where did you see him? A On Big Creek.
Q He came up there to live? A Yes sir.
Q Did he have his family there with him? A Yes sir he had his family with him.
Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
Q Have you known him ever since? A Yes sir.
Q Has he lived in the Cherokee Nation continuously ever since?
A Yes sir.

By W. W. Hastings:

Q He settled there right in the fall of '66? A Yes sir, frost was falling.
Q How long before had you and your family been there? A Not long. I moved down there a short time before that.
Q About how long before that? A I said just fall, not a great while.
Q A month? A Must have been a month, I don't remember exactly.
Q Do you remember the name of the people were

down there 35 years ago, in '66? A Yes sir all those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q You know he was living there in '67? A Yes sir.

Q You know he was living there in '68? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '68? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Peter Ward.

Q He come with his father did he? A Yes sir they came together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Linn county, same place they come from.

Q Mound City? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '67 or '68? A No sir.

Q Was this man married when he come down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first came there? A They both camped there alone together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he come? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I dont hardly know.

APPLICANT recalled and examined by S. F. Hastings:

Q You saw Will and John Ward directly after Will got into trouble did you? A Yes sir I saw Will, he came to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A No sir, not exactly as to where I had been.

Q Talked about old Waverly times? A Yes sir.

Q Told him when you had come back? A No sir that question was not asked.

Continuation of the above application recorded by [illegible]

[illegible] the examination to the [illegible] the proceedings in the [illegible] here and correct transcript [illegible]

Subscribed and sworn to before [illegible] Kansas, 1931.

(Copyrighted from [illegible] 1931.)

Q What is your name? A George Meigs.
Q What is your age? A I don't know exactly, about sixty some odd.
Q What is your postoffice? A Wimer.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q Your name on the 1880 roll? A No, sir.
Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.
Q Do you know Abram Ward, the applicant here? A Yes, sir.
Q How long have you known him? A Ever since he moved on Big Creek.
Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
Q Who did he belong to? A Belonged to a man they called George Ward.
Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.
Q Where did he go? A Went up to Fort Scott.
Q Did you see him? A No, sir, I just met him up there.
Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.
Q When was the first time you saw him after the war? A Why it was in the fall of '66.
Q Where did you see him then? A On Big Creek.
Q Was he living there? A Well, he has been there ever since.
Q Was he living there then? A When I saw him, why he just came.
Q Did he have a family with him when he came? A Yes sir.
Q How many children did he have? A Well, I can't hardly tell you.
Q Have his wife? A Yes, sir.
Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.
Q Have you known him since that time? A Yes, sir.
Q Has he always lived in the Cherokee Nation since '66, to your knowledge? A Yes, sir.
Q You were taken out during the war, were you? A Yes, sir.
Q Did you return with Abram Ward? A I returned just a little before he did.
Q You saw him here in '66 in the fall? A Yes, sir.
Q Mr. Hastings: How long had you been back when you saw Abe?
A I don't know exactly.
Q A year or two? A I hadn't been back a year, no, sir.
Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.
Q Did you have any corn in when he came? A No, sir.
Q Any potatoes in? A I had a patch started to clean out.
Q But you had no corn on it? A No, sir.
Q You didn't plant any that year? A We didn't plant any till it got time to plant it.
Q But had you planted any when this man came down here? A No, sir.
Q George, you don't know anything about dates, there? A No, sir, I don't.
Q You don't know one year from another? A No, sir, I don't know, of course I am got got no education.
Q Where did you live before the war? A Well, now I lived in the Cherokee Nation before the war.
Q What place in the Cherokee Nation? A Well, as best as I can tell you to tell you the truth, I lived east of a little town they called Dutch Town on a big hill; west of it.
Q Who did you belong to? A Belonged to a man they called [illegible]

Daniels and Lila Daniels.

Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.

Q What direction was Beattie's Prairie from where you lived? A To my judgment, it must have been kinder north, nearabout north.

Q You were up there before the war, were you, Beattie's Prairie? A No, sir, I don't know that I have ever been to the place.

Q When did you first see Abe? A The first time I can Abe to recollect him was at Fort Scott.

Q During the war? A Yes, sir.

Q Then you never saw him before the war? A No, sir.

Q You don't know of your own personal knowledge who he belonged to? A Of course I don't, but I know what he says, who he belonged to.

Q You swore a while ago he belonged to Gadsden Ward? A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Meigs? A Yes, sir.

Q Peter Meigs went down before the Court to have himself and family enrolled? A Yes, sir.

Q Did you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time? A Yes, sir.

Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know a'l his children; he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Named Lon.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter Ward? A Yes, sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came in? A Yes, sir.

Q They have lived there continuously ever since that year they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for stuff.

Q Not up there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came? A Yes, sir.

Q What was in 1866, was it? A Yes, sir, 'cause we came.

Q Was it 1866? A I can't say whether it was eighteen hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to make anything about 'em like I do, but my daddy was running to get some thing to get a place for he said for his children.

Commissioner: Your daddy knew he had to be there in '66 did he? A Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his own issue. He is not [illegible] authenticated roll of 1880 or the census [illegible] examination of the same, but he is [illegible] Clifton and the Vallance rolls. His [illegible] identified upon the Kern-Clifton roll. He [illegible] married to one Caroline Adair, who is now [illegible] satisfactory proof as to said marriage. [illegible] child Arten will be listed for enrollment [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
AUG 11 1901
RECEIVED

Freedman on a doubtful question, leaving the matter for further consideration by the Commission. He will hereafter notified by mail at his post office address of the decision of the Commission, when arrived at.

Bruce O. Jones, being duly sworn, says that he is stenographer to the Commission to the Five Civilized Tribes; he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of the stenographic notes thereof.

Signed, Bruce O. Jones.

Sworn to and subscribed before me this 1st of June, 1901.

Signed, E. B. Meredith,
Commissioner.

* * * * * * * * * * * * * * * * *

Bruce O. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy from the original.

Sworn to and subscribed before me this 8th day of August, 1901.

Commissioner.

Freedmen on a doubtful card, awaiting further consideration by the Commission. He will be duly notified by mail at his post office address of the decision of the Commission, when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones,

Sworn to and subscribed before me this the 18th of June, 1901.

Signed, T. B. Needles,
Commissioner.

* * * * * * * * * * * * * * * * *

~~Testimony~~

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of August, 1901.

Commissioner.

35935

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 16 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Sadie Ward for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Hollett & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

Q What is your name? A Sadie Ward.
Q Is that your name now? A Yes sir.
Q What is your age? A 22.
Q What is your post-office? A Centralia, Indian Territory.
Q What dis trict do you live in? A Big Creek, Coowescoowee District
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Your name on the roll of 1890? A No sir, Wallace and Clifton roll.
Q Who do you want to enroll besides yourself? A No one.
Q Are you married? A No sir.
Q What is your father's name? A Squire Ward.
Q What is your mother's name? A Mary Ward.
Q Your father living? A Yes sir.
Q Your mother living? A No sir.
Q Where were you born? A Big Creek, Coowescoowee District.
Q Have you lived there all of your life? A Yes sir.
Q Living there now? A Yes sir.
Q Were you ever married? A No sir.
Q Got no children? A No sir.
Q You know Abraham Ward? A Yes sir.
Q What relation is he to you? A My uncle.
Q Squire Ward your father? A Yes sir.
Q He and Abraham Ward are brothers are they? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 126 #3138 Sadie Ward, Coowescoowee District.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 151 #3150 Sadie Ward, Coowescoowee District.

Com'r Needles: Sadie Ward applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; she is duly identified upon the Kern-Clifton and the Wallace roll, according to page and number of the roll as indicated in the testimony; she avers that she was born in the Cherokee Nation; lived there all her life, and she is the daughter of Squire Ward, and claims citizenship through him, who was listed for enrollment on D card 615; the testimony taken in the application of Squire Ward will be made a part of the testimony in the case at bar, and a copy thereof filed herewith, and said Sadie Ward will now be listed for enrollment as a Cherokee freedman on a doubtful card; she will be notified by the Commission of their decision in the premises, by mail.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Subscribed and sworn to before me this July 2, 1902.

Commissioner.

F
No. D 885

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 1901

Given under my hand this .....

day of .....A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

SEP 18 1901

.....day of .....1901.

Mellette Trust

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .....day of A.D.1901

.....

Subscribed and sworn to before me this .....day of .....A.D.1901.

.....

Notary Public.

SEP 18 1901

NOTICE!

IN THE MATTER OF the application of Sadie Ward for enrollment as a Cherokee citizen:

Case No. D 886

To Sadie Ward or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 8th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 7

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

File with Cherokee Freedmen 385, Sadie Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

C. W. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A C. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City? A Ever since the 12th day of August, 1861.

Q Were you living there in 1865; you have lived there ever since, you say? A Yes, sir, lived there continuously ever since, made that my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Miner, Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember of them.

Q When did you first become acquainted with this family of Wards? A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City Kansas? A That was three miles; it is three miles to my place and their place joined right west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.

Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '65, in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.

Q What was his name? A Amos Durbin.

Q That was in the spring of '66? A In the spring of '66 they moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.

Q How how long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentleman left, that is, he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he wanted the old gentleman, that is Mr. Durbin, to let one of his boys live t ire the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-lect to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last year.

Q And they lived there for three years from '66, as I understand it? A From '66 to the fall of '69.

Q Was there a house built on the Durbin farm in the meantime? A There was a stone barn built there in '68.

Q How do you know it was built there in '68; have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Ranney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some whear and in the fall of '69 he left some whear in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living here? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '69 until 1901.

Q How long is that? A From '69 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Lynn county, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q What impresses the fact on your mind as to when them people lived on that land? A As I said, Mr. Ward was living on a farm that

belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and built a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so totally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '65 because they understood they could get a home here by coming in 1863, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people then on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

QQ You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '81.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to.

Q Who else lived on your grandfather's place after the wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a farm up north, he lived on the place 12 years and moved there in '85.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown, lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q Who did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8. Just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '8, I am not sure which.

Q Why don't you remember, if you can remember when Peter Ward moved

on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson Turk.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1876? A There was no one in '76, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '66? A Yes, sir, since '66? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I thi k it was, let's see, about '67.

Q Now was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you mean positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since ; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place?

A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q Is a grandson of Durbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give me the names of some of them? A I know of Abe and I know Berry and I know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q What place? A They were living on Mr. Durbin's farm

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mellette: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place?

A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '65 or '66, along there.

Q '66, was it? A Or '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '66 or '65? A The latter part of '66 or '5.

Q The latter part of '66 or '5, you say that? A I saw either the latter part of '65 or '66, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '63?

A No, I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well it might be, but the war wasn't closed entirely

till about '65.

Q Yes but you say Price made his raid through there in '65 or '66?

A I meant '64 or '5.

Q Wha made you change? A Well, I just made a mistake.

Q Who talked to you after you came? A Nobody.

Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.

Q Was Mr. Kingsbury present? A Yes, sir.

Q Who else was present? A There was lots of gentlemen there.

Q All you witnesses who came down in that case were present and talked to together? A Well they asked me some questions.

Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.

Q Do you say that Price did make his raid through there in '64 or '5? A I wouldn't say positive.

Q You wouldn't say positively about that? A No, it seems to me it was in that time.

Q You were a boy? A Yes, I was a boy.

Mr. Hastings: You were summoned here as a witnesses on the part of the Cherokee Nation, weren't you? A Yes, sir.

Q I consulted you with a number of other witnesses down there?

A Yes, sir.

Mr. Mellette: How were you summoned here on the part of the Cherokee Nati? A By subpoena.

Q Who served the subpoena on you? A Mr. Campbell left it at my farm.

Q Who is Mr. Campbell? A His name is Neve Campbell.

Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.

Q What is your age, Mr. Ward? A 58.

Q What is your postoffice? A Mayes lie, Arkansas.

Q You live in the Cherokee Nation side there? A Yes, sir.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Mr. Ward, what was your father's name? A James Ward.

Q Did your father ever own a colored man by the name of Peter Ward?

A No, sir, my grandfather owned him.

Q You know Peter Ward about? A Yes, sir.

Q Before the war? A Yes, sir, he married a negro woman my mother owned.

Q He had some children? A Yes, sir.

Q You remember their names? A Yes, sir.

Q Well, give us [illegible] A [illegible] was the eldest, Berry, Margaret, [illegible] and [illegible] as all they had when they left there [illegible] that I remember.

Q Did they [illegible] as well as I did [illegible] A Yes, sir, in '63

Q Did you [illegible]

Q Where did you [illegible] A Yes, sir.

Q When was that? A [illegible] Kansas.

Q Now which did you [illegible] time one of them was [illegible] A The next first put out of the [illegible]

Q You don't remember the exact date? A No, sir.
Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.
Q You don't remember the date of that payment? A No. I don't remember the date.
Q Was this railroad through here at that time? A I think so.
Q Well, which one of them did you see at that time? A Abraham.
Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.
Q He say where he was living at that time? A Living out here on Big Creek, up here in Coweescoowee.
Q You remember when he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.
Q Did you see any other members of the family at the time? A No, sir, not that I remember.
Q Have you talked with any of them since that about it? A No, sir.
Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.
Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.
Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.
Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.
Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.
Q Well, that has been a long time ago, hasn't it? A Yes, sir.
Q You ever been arrested? A I don't know that that cuts any figure in the case.
Commissioner: Please answer the question.
A Why yes.
Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.
Q That all? A And detaining pension money.
Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A John L. Ward.
Q What is your age, Mr. Ward? A Age is 50.
Q What is your postoffice? A Maysville, Arkansas.
Q You are a Cherokee citizen by blood? A Yes, sir.
Q You live on the Cherokee side of the line? A Yes, sir.
Q What was your father's name? A His name was James Ward.
Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.
Q Did he have some children? A Yes, sir.
Q You remember any of their names? A Yes, I recollect most of their names, there was Mahaney and Sheaken, Louisa was the old lady's name.
Q We have it reported by the family, name some of them? A Margaret and Abraham and Harry and Henry and Sam I think and Dave and Elize and Clint.
Q Did you ever see any of them after the war? A I never saw but one of them. [illegible] Court, one time [illegible] Squire here the last
Q Well which one did you see after the war? A That was Miner.
Q What was her name? A [illegible] I think she called her name.
Q Where did you see her? A My home between here and Chetopa, Big Creek I think it was.

Q Between here and Chatopa? A Yes, sir.
Q In what district? A In Coowescoowee I guess.
Q Did you have any talk with her? A Yes, sir.
Q About when was that talk? A Sometime in the sixties, '65 or '6 or '7, somewhere along there, I don't recollect just the year.
Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.
Q You say it was sometime in '70? A Yes, sir.
Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.
Q This M.K.& T.? A Yes, sir.
Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.
Q Who was with you at the time? A Will, my brother, we had been up to Coffeyville with some apples and came back by there and stopped.
Mr. Kellette: You say you asked them about the family? A Yes, sir.
Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
Q Where did she say her father was? A He lived there somewheres.
Q Where? A Up here about Big Creek.
Q Where did she say Abraham was? A He was there.
Q Where? A Up in there, right close there, I was asking how they all were getting along.
Q How many years ago has that been? A Along in '70 sometime.
Q '70 when? A Between '75 and '77.
Q What made you say it was in '60 first? A I just miscalled it.
Q Wasn't it in the sixties? A No, sir.
Q Don't you know it was in '66? A No, sir.
Q Between '66 and '7 and '8? A It wasn't in '66.
Q Why wasn't it? A Because this railroad was built through here.
Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
Q How long ago? A I don't remember.
Q When Mr. Wallace made this roll? A No, sir.
Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
Q How long ago? A I don't remember just now.
Q About how long ago did you first remember that she said she was too late? A It was when we were up there, is all I know about it.
Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.
Q How many years before you were married? A Two or three.
Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I don't recollect the exact dates.
Q That is what I am thinking about, unless I have something to impress it [illegible] A No, I wasn't called on until [illegible]
Q This [illegible]
Q What time was that? A I don't remember; you mr recollect the date Mr. [illegible]
Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.
Q You can't give any idea when that was, can you? Why can't you remember the date you were first called on to testify to this fact

as well as you can remember when she told you she came here too late?
A I never paid much attention to it.
Q Did you pay much attention to when she said she came here too late? A Yes, I remember by the trip we made and I got to counting it up.
Q After thirty years you got to counting it up, did you? A It wasn't thirty years.
Q Well, twenty? A Let's see, it was over thirty years I guess.
Q It was over? A It was in seventy something.
Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.
Q Why I am not going to do it, I asked you how many years it was?
A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.
Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.
Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? ANo, I don't recollect the exact year.
Q Was it 1888? A I don't remember.
Q 1890? A (No response.)
Q Was it 1890? A No, sir, it wasn't then.
Q When was it? A I don't know just when, I don't recollect the year.
Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.
Q Are you summoned here as a witness this time? A Yes, sir.
Q Were you summoned when you testified before when as I represented the Nation in part? A Yes, sir.
Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.
Q You remember the other two members of that Court? A I don't recollect them.

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Taking of testimony continued by stenographer J. C. Rogers.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 18th of October, 1901.

Commissioner.

Continuation of taking of testimony in case of ABRAHAM WARD, C.F.-D.#607.

Former portion taken by Stenographer Bruce C. James.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BALL, being duly sworn by Commissioner Hoobler, testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Ball.
Q Age? A 65; White.
Q Mr. Ball, when was this M.K. & T. railroad, M. K. & T. railroad, built through this country? A '70.
Q When was that first Cherokee payment made after the war? A '72.
Q Do you know whether colored people and all participated in that payment or not? A Yes, every Cherokee citizen and Shoals had that wasn't.
Q That was a general payment-? A Yes, that was general payment intended for relief fund for all people living in the Cherokee Nation

MR. MELLETTE: Did any colored people get pay at that time?
A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.
Q Are you the Abraham Ward who is an applicant for enrollment as a Cherokee Freedman? A Yes, sir.
Q Did you know J. L. Ward who has just testified in this case?
A Yes, sir, I know him.
Q Did you ever make a statement as testified to by him that you came here too late to become a citizen? A No, sir, I did not.
Q Did you make statement, as testified to by him, that you came back in '69? A No, sir.
Q Did you hear the testimony of John Ward, the last witness?
A No, sir.
Q Did you hear h is testimony? A I heard it yes, sir.
Q Did you hear a statement being said of yourself, mother son or sister to him? A Yes, sir.
Q Where is that sister? A She is dead.
Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward after the war? A I saw him when the Cherokee owned that general payment, that called pro rata.
Q What year was that? A I don't remember just what year it was.
Q Well, that is strange? A It was in '72 though I think.
Q Where did you see him? A '72 or '3; saw him right here at Vinita
Q '72 or '3? A Yes, sir.
Q Along there; saw him here at Vinita? A Yes, sir.
Q You didn't talk with him? A Yes, we did talking about our business times.
Q Talked to him where you had been? A No, sir, he knew where I had been.
Q He was your young sister? A Yes, sir, he got him was about one age.

[illegible]

J. G. Brown, [illegible]

File with Cherokee Freedmen, Index, Card Card.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 6, 1906.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:
Roberts & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Brown.
Q J. B. Brown? A Yes, sir.
Q What is your postoffice? A Springer.
Q What is the territory? A Yes, it is in the Territory.
Q You are a Cherokee Indian by blood? A Yes, sir.
Q What is your age? A I am 22.
Q You married a Cherokee, or Chickasaw? A Married a Chickasaw.
Q How long have you been down there? A I moved down there about two years ago.
Q When did you come back to the Cherokee Nation after the war?
A We landed back in the Cherokee Nation in the fall of '68.
Q Where did you live during the year of '68? A We were down there on Grand River.
Q Where did your father live in '67? A He was on Pryor Creek, I think he lived on Pryor Creek.
Q Do you know a colored man by the name of Peter Ward, and Abraham Ward? A Yes, sir.
Q When did you first see them after the war? A To the best of my recollection, I saw them in '68 in Kansas near Mound City.
Q What were you doing up in Kansas? A There was an old negro that my father owned, lived with him, I met him down here, and he had a location coming to him and I went with him up there to draw this money and I found these people there in Ottawa, we went to Ottawa, Kansas, to draw this money and there is where I saw these people.
Q Who did you go with? A Jim Brown and John Brown, and there I saw old Uncle Peter Ward and his old boys. There was younger ones but they were smaller, I got acquainted with them there.
Q Were they living there at the time? A Yes, sir, they were living there.
Q Moved in town or on a farm? A No, they were living on a farm and a little place near Mound City. Mound City, as well as I recollect was about 18 or 20 miles of Ottawa, Kansas.
Q Just what time in the year did you and them there? A It was in July or August, I remember they were cutting wheat when I was there.
Q Summer time? A Yes.
Q Well, about how long did you stay around there? A I don't know how long I don't remember how long, we stayed a while at Mound City and then went on up to Ottawa and stayed there quite a while, we didn't know anyone when we first went there, we had to wait on account of the payment wasn't issued up right, and we had to stay there, I couldn't say positively how long it was.
Q Did you see Peter Ward's house? A I don't say positively yes but there was a whole bunch of them lived around there, and I used to visit at the house around there and then they had preaching there and I was there and I went to church and saw them, they all lived there, I was on Indian and they came in to see us and talk with us.
Q You went with them children, the children went? A Yes, sir, I

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A What do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there, they never come back.

Q Did you meet any of the Couches? A Yes, sir, Sam Couch and Pete Couch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many Wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I know them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me when they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mellette: You say you saw these Wards up there in Kansas at church? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas? A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Round City to the best of my recollection.

Q What were you doing at Round City? A There is where Jess's brother and mother lived, we landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he goes he goes on to Ottawa.

we went on.

Q You saw three Yards up there? A Yes, sir, I remember the three.
Q You don't know how long they had been there? A No, sir.
Mr. Hastings: You hauled Jess Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freedman cases D-608, D-610, D-611, D-613, D-423, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

Stenographer.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C Jones

Sworn to and subscribed before me this the 21st of October, 1901.

Commissioner.

File with Katie Ward C. F. D. 555

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 18, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C. F. D. #606.

Appearances:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the ~~[illegible]~~ applicant.

T. F. Thompson, being first duly sworn by Capt. T. B. Needles, testified as follows on the part of the Cherokee Nation-
(By Davenport)
Q What is your name? A T. F. Thompson.
Q Where do you live? A 3 miles south of Vinita.
Q What is your age? A 54.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant in this case, Daniel Thompson? A Yes sir
Q Did you know him before the war? A Yes sir.
Q Do you know where he went during the war? A I think he went north to Kansas.
Q Where did your family go during the war? A To Red River.
Q Choctaw Nation? A Chickasaw Nation.
Q When did you return to this country? A In the fall of '66 in October
Q Did this applicant go with your family? A He never was with us during the war.
Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.
Q How far from where they had originally lived? A Same place.
Q Was the applicant there when you returned? A No sir.
Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.
Q With reference to the time the railroad was here when was it? A The Katy was here I think.
Q About what year was it? A As well as I remember it was in '71 or '2.
Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.
Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
Q Where was he living at that time? A On Big Creek, he told me.
Q Did he say then that he had been living on Grand river at the old place? A No sir.
Q You had always lived on the old place since your return? A Yes sir
Q Same place you lived on prior to the breaking out of the war? A Yes sir.
Q Had the applicant been there after the war to your house? A Not that I know of.
Q You say had been in Vinita for the time [illegible] before the war? A Yes sir.
Q Did he come to your house at that time? A He came up to my father's house and stayed a day or two with my father.
(By Smith)
Q What was your father's name? A [illegible]
Q Is he a Cherokee? A Yes sir.
Q By blood? A Yes sir.
Q A recognized [illegible]
Q Did he [illegible]
Q Was [illegible]
sir.
Q What [illegible] A Yes
Q You came to [illegible]
Q How far from [illegible]
Q How old were you [illegible]

Q Just a boy? A Yes sir.
Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pea Ridge, Arkansas.
Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
Q All you know is that the first time you saw him was in '71? A Yes sir.
Q You dont know how long he had then been in the Cherokee Nation? A No sir.
Q You dont know where he was during the war? A No sir.
(By Davenport)
Q When were you at school? A In '67, in the fall.
Q You was at home then from '66 to the fall of '67? A Yes sir.
Q You never saw the applicant there then? A No sir.
Q Never heard of him being there did you?
BY MR. SMITH: I object to him stating what he nighthave heard.
(By Smith of witness)
Q All you know is that you never saw this applicant until in '71 or '2? A Yes sir.
Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Comr T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A David Stinger.
Q Where do you live? A On Big Creek, Cherokee Nation.
Q How old are you? A 60.
Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 26 years.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Since '73.
Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.
Q What was he doing when you saw him? A Just commenced making a farm there.
Q Did you have a conversation with him then? A Yes sir.
Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here——thought he would come back home as he called it.
Q Did he have a family with him then? A Yes sir.
Q What year was that? A I think in '73.
Q What improvements had he made then? A Nothing, he was just in a wagon there.
Q Did he say when he had gone to Kansas? A No, I dont know anything about that.
Q Was anything else said about his having been in the Cherokee Nation before that? A I dont think there was.
Q How many children did he have there? A Two.
Q What were their names? A Sandy and Mandy.
Q Were they both with him ? A Yes sir.
Q Did he afterwards make a place there? A Yes sir.
Q Where has he been living since? A Right there all the time.
Q What year was this you say he came there? A '73.
(By Smith)
Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
Q How long had you been there in '72? A I came there in '71.
Q Where from? A Peoria, Illinois.
Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I dont know that.
Q You dont know where he was in '69? A No sir.
Q Or in '68? A No sir.
Q Or in '67? A No sir.
Q Or in '66? A No sir.
Q Or in '65? A No sir.
Q You dont know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.
Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.
Q You dont know when he first came here after the war? A No sir, only that time.
Q He might have been here before that and you not knew it? A I wasn't here before the time I state and can't tell nothing about except when I was here.
(By Davenport)
Q Was he living there when your came there in '71? A No sir.
Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A William Noble.
Q Where do you live? A On Big creek. , Indian Territory.
Q Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.
Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Good many years, I cant say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '72, and he has lived there ever since.
Q Did he settle a place there when he came down? A Yes sir.
Q How far from you? A Two and a half miles.
Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.
Q Did he have his family with him? A Yes sir.
Q Children? A Wife and three children.
Q Did you have any conversation with him ? A Yes sir, he told me he just moved in from Kansas.
Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.
(By Smith)
Q When did you first come to the Cherokee Nation after the war? A In '84.
Q Were you in the army? A Yes sir,
Q When were you discharged from the army? A I was discharged, I think it was in '62.
Q In what? A '62.
Q Were you discharged before the war closed? A No sir.
Q But you think it was in '62 that you were discharged? A I believe it was.
Q In '61 maybe? A Somewhere along there.
Q Somewhere in '61 or '2? A Yes sir.
Q You testified Saturday last in the Joel Tom case didn't you? A Yes sir.
Q Didn't you say then that you were discharged in the year '66 from

the army? A I dont think I did, I think I said I didn't know exactly.
Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.
Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '65.
Q I am not asking you when you were discharged, I am askin; you what you said than ? A I don't think I did.
Q When did the war close, what year? A I think it was in '61, wasn't it?
Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.
Q You were not discharged from the army until the war was over were you? A No sir,I was discharged twice, the last time thewar was over.
Q What did they discharged you for the first time? A Three years service.
Q Then you went back the second time? A Yes sir.
Q How long did you stay than? A Two years .
Q How long did that war last? A Five years, wasn't it?
Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.
Q What year did you get here? A In the spring of '66.
Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.
Q And you are certain you were discharged from the army after the was was over? A Yes sir.
Q And you got here in '66? A Yes sir.
Q Now how did you do that? I went from Louisville,Kentucky where I was discharged.to Iowa, and from Iowa to Kansas and from Kansas here.
Q You don't really know anything about this applicant do you? A Only from my papers,it shows that I had some trading with him in '72.
Q You dont know how long he had been here before that? A No sir.
Q You dont know when he came ~~go sir~~? A No sir, except when he came to Big Creek.
(By Davenport)
Q You dont know when the war began? A No sir.
Q Nor when it closed? A No sir.
Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.
(By Smith)
Q Where did you go after you were discharged? A Iowa.
Q Where did you go them? A Kansas.
Q Where did you stop in Kansas? A Neosho River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.
Q Did you have any trouble up at Chetopa? A No sir.
Q Were you never arrested in Kansas? A No sir.
Q Do you remember a man named Gage in Chetopa? I dont remember,I am not acquainted with him.
Q Didn't you have any trouble with him and get arrested? A No sir.
Q Didn't he have you arrested? A I dont think so.
Q Don't you know? A I know I wasn't arrested there.
Q Have you ever been arrested at all? A Yes sir.
Q Where? A In the Cherokee Nation.
Q What for ? A Cattle stealing.
(By Davenport)
Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.
(By Smith)
Q Are you a citizen of the Cherokee Nation? A Yes sir.

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This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-608, and also in C. F. D. cases D-623 and D-693 and their subdivisions.

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Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th of October, 1901.

Commissioner.

File with case of Sadie Ward, C.F.-D.#685.

Supl.C.F.-D.#607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE Freedmen of ABRAHAM WARD, ET AL., the following supplemental testimony is offered on part of applicants:

APPEARANCES:
Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles, testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.
Q How old are you? A I am 80 years old.
Q Are you a colored man? A Colored man?
Q Yes? A Yes, sir.
Q Where do you live? A I live in Mound City, Kansas.
Q How long have you lived there? A Oh, about 37 years.
Q In what year did you go there? A I went there in '64.
Q In what time in '64, what season? A Well, I got up there September 12th.
Q To what place now do you refer? A Mound City.
Q What is your business, what do you do? A Well, I have done a good many things for a living, but I was employed by the Second Baptist Church there; that is in '63, in the month of May I took charge of the Second Baptist Church there.
Q In what year? A In '65 in May.
Q Well, in what way did you take charge of it; what did you do?
A I preached the best I knew how.
Q You are a preacher are you? A Yes, sir.
Q Well, did you know a Peter ward there? A Yes, sir, I know him.
Q When did you first get acquainted with Peter ward? A I was slightly acquainted with him down in Arkansas.
Q When did you first get acquainted with Peter ward? A We was slightly acquainted as I stated down in Arkansas; no, I will take that back if you will please, I got little kinda off, I can't keep memory like I used to.
Q Just tell us when you got acquainted with him? A We was slight- In accordance to the Old Territory; wasn't that right; wasit.
Q Just stop here and tell us when you first knew Peter Ward?
A Well, I was correct after all.
Q Your know Peter Ward in Kansas? A Yes, sir.
Q How long had you been up there in '64 before you became acquainted with Peter Ward? A Oh, I became acquainted with him the first month I went there, that was in '64.
Q About how long did you know him there in Kansas? A Oh, I knew him all the time, until he was there until he died.
Q Well, about how long was that? A Oh, I guess not over a year & after I got up there, that is as long as we lived together. Well, if you will let me state it.
Q Go ahead now. A Well, the way this came up, how I got so well acquainted with him was [illegible] monthly [illegible]
I became so well [illegible] way [illegible]

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.
Q The last time he transacted business with you in the church?
A Yes, sir.
Q What did you do then? A We elected another deacon in his place.
Q What business was it you transacted on the 17th day of June, '66?
A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it, that is what keeps me in remembrance of it so well, and it was the last transaction in the church.
Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.
Q By what did you fix the dates of these church meetings and matters that you have talked about?
Mr. Davenport: I object to that unless you get the book up here.
A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined.
Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.
Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.
MR. DAVENPORT: Who is this you are talking about? A Peter Ward.
Q What Peter Ward? A Why Peter Ward that's dead, I know.
Q Just Peter Ward? A Yes, sir.
Q Did you ever see more than one Peter Ward in your life?
A No, sir.
Q You saw one in Arkansas? A That is the same one.
Q How many children did Peter Ward have? A Oh, I don't know.
Q Did all his children go away when he did or not?
A I don't know whether they all went away at the same time or not; I know they all left.
Q All left simultaneously? A I would not swear that.
Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.
Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; whi ch one?
A I am asking you if you know? A Oh, no, I don't know.
Q What boys do you know? A I know some of the older ones.
Q What is one of the older one's name? A There was Harry and Abraham and Squire, I knew them all, and he had one named Ben and he had one I wouldn't be positive, but I tell you I know them, and [illegible]
Q That is what I mean, you saw Peter in the church? A Yes, sir.
Q You have been a member of the church there ever since that time?
A No, no, we had Church.
Q Have you been Pastor in charge of that church ever since 1866?
A No, sir.
Q Have you lived in Mound City all the time since that time?
A Yes, sir
Q Who do you know in there? A I have quite a number of friends.

Q Do you know J. B. Brown, up there? A What J. B. Brown.
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know [illegible] B. Osborn? A Buy Osborn, I know him.
Q He lives there in Mound City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about there about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or some-place.
Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '66.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know that is, I don't know what day he left on; I know he never was with us in church setting after that, and I have always believed he came right straight to the Territory because I never saw him any more and he had been up there in the neighborhood he would come down to the church meetings.
Q You are just guessing that? A I know that because he was a faithful member and never missed.
Q Did your members attend all the time or did some of them backslide? A I could not tell you much about that, because we always kept track of it in the churches and of course we didn't [illegible]
[illegible] this fellow? A We met in Mayes[illegible] [illegible] as we might have been, [illegible] because that we had met before. [illegible] when you met this man at Independence, [illegible] Mound Church.
[illegible] to the Indian Territory.
[illegible] I have about give [illegible] and [illegible] live here, [illegible] have [illegible]

Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I come too late.

COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he come to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my ~~[illegible]~~ ~~[illegible]~~ name on the Wallace roll after he come.

(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while go when you referred to your church book, is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com3r Needles: This testimony will be made part of the record in the case at bar and part of the record in D)608, D610, D-611, D-613, D-425, D-615, D-616, D618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 5th, 1901.

Commissioner.

Sadie Ward C. F. D 888

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October [illegible] 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #807

SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Cady County Clerk of Linn County, Kansas, showing that from the assessment rolls of Mound City Township in Linn County Kansas for the year 1867, there appears the following: " Peter Ward, one female dog."

By Mr. Smith : The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicants in this case.

By Commissioner C. R. Breckinridge: the document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

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(COPY)

State of Kansas: ss.
County of Linn :

I, J. A. Cady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows; " Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 25th day of October, A. D. 1901.

(SEAL) (Signed) J. A. Cady
County Clerk of Linn County, Kansas.

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By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is so directed that copies of the [illegible] certificate and the objection to their filing of Counsel for the [illegible] be [illegible] case [illegible] all [illegible] of this Commission.

Chas. von Weise, being [illegible] states that as stenographer to the Commission to the Five Civilized Tribes [illegible] above proceedings [illegible] all the [illegible] in this case [illegible] further that the above [illegible] stenographic notes [illegible]

Subscribed and sworn to before me [illegible]

[illegible] Cherokee Freedmen. D-883, Sadie Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A A. R. Wayne.
Q What is your postoffice? A Mound City, Lynn County, Kansas.
Q What is your age? A I am 58 years old.
Q Were you in Lynn County, Kansas, during, and the years immediately after the war? A Yes, sir.
Q I will ask you if you know a colored man by the name of Peter Ward? A Yes, sir.
Q Where did you learn to know him at first? A Four miles and a-half west and one half mile north of Mound City, Lynn County, Kansas.
Q When? A In 1866.
Q You know whose place he was living on at that time? A I forget the name of the man at that time, in '66.
Q Do you know where he moved, if at all, in '66? A He moved to the farm of Amos Durben, and some call it the C. W. Kingsbury place now.
Q Is Kingsbury his grandson? A Of Durben's, yes sir.
Q How long did he continue to live on the Durben farm? A 3 years.
Q How by what do you fix that? A The first time that I saw him I know where I was working breaking prairie, and I stuck a thorn in my foot right in there, and I stopped and Mrs. Ward said that the gall of a bee was the best thing I could put on it, and by me breaking prairie I know it was in '66, I know where I was living at that time.
Q How do you fix the next date, three years later, which would make it in '69? A I have a record of the expenses that I had paid out in May, toward the last of May, from the first of January till the last of May, that me and him had a transaction whereby me I paid him [illegible].
Q Peter Ward? A Yes, sir, the second day of March.
Q Of what year? A 1869.
Q Where was he living at that time? A He was living on the farm of Amos Durben.
Q Do you know any of Peter Ward's children, sons, members of his family? A I know one girl and I know Abraham Ward, Clint Ward, I [illegible] his name is Clinton but we all called him Clint, and George; I [illegible] that is all that I can bring to mind now at the present time.
Q [illegible] A Yes, sir, I think [illegible] was [illegible]
Q [illegible] Ward? A Yes, sir, I think there was.
Q You recollect it now? A [illegible]
Q [illegible]
[illegible]
[illegible]
[illegible]
Q Have you [illegible] that time, [illegible] A No, sir, I haven't [illegible]
Q [illegible] would know them or not now? A No, sir.
[illegible]

Q Do you know that one over there (indicating Abraham Ward)?
A Yes, sir, I have seen that gentlemen over there, but I can't tell you his name; I know by the looks of him I have seen him.
Q You don't recollect to have seen any of them since '69? A No, sir.
Q How far did you live from them say in '69, from the Durben farm?
A About a mile and three quarters.
Q Well now did you live that far from '66 to '69 to them? A No, sir, in '66 I was living farther off.
Q Well, when did you come up nearer to them? A When I got married in '67; I was married in '67 and I was a little bit closer to them.
Q Well, were you as near in '67 as you were in '69? A Same place.
Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.
Q And you remained on the same place from '69 to '69? A Yes, sir.
Q Now during that time, far from '66 up to '69, did you miss Peter Ward or any of his sons away from up there? A No, sir.
Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transacation that I was over to their house.
Q Did you see them in the country any place? A Oh yes, I have seen them around.
Q You mean by that, that that is the only time you ever had my personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.
Mr. Smith: What month in the year 1866 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.

Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.
Q You have been there in that country ever since '62? A I had been there ever since '55.
Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May '55, and it was '66 when I first recollect getting acquainted with them to know them.
Q Now in what way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had stuck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of bee gall to put on it to draw it.
Q Well, did your foot get well? A Well it isn't off, I suppose it did.
Q Well that has been how long ago? A Well '66; that has been 35 years ago.
Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean?
Q Yes? A Well it was in March, '69, that I had the transaction with him.
Q That had nothing to do, however, with the time you first met him?
A No, sir, not to my knowledge, sir, sir, just seen them from then in passing around.
Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '69 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.
Q I say there was no connection between your business transaction with him in '69 and the date when you first met him, nothing connecting the two things together; one had nothing to do with the other, did it? A No, sir.
Q Well then, now when did you think have occasion to remember that you met Peter Ward in '66? A I just got told the location, about

plowing and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him; I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that? A (Witness produces book) That record commenced there, January 2, 1869, it goes on down to there, (indicating on book) is Peter Ward, $2.50; it goes on down to here, to May, '69, $102.64; I spent during that time $102.64.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, to-ward the back there in regard to some Sabbath School records I think, and in that fore part there is some few pages that was in '69, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 2, and goes on down, 9, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Bronson, a colored man, 25¢; no, it is stamps, 1¢.

Q You are sure that that is stamps? A No, soda, 15¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is soda instead of stamps; here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; here is some oil I believe.

Q That is not the question, are the entries below clearer and more distinct that the word, Peter Ward? A No, sir, not that I

which will they get me from there, they are about the same.

Q. Now then you see there is a part of the Peter that you can [illegible] from the other part? A. Well the t there appears to be a little bit plainer.

Q. You see any s in that Peter? A. Yes, sir.

Q. Where is it? A. Right after the t.

Q. If you didn't know what it was could you tell what the [illegible] before after the P were? A. Yes, sir, that is my handwriting and I made.

Q. Now why, Mr. Wayne, is that word Peter Ward blurred, as it appears on the record? A. I can't tell you any more than here; not a bit.

Q. You don't know? A. No, sir.

Q. Did you write the word potatoes on the second page? A. Yes, sir.

Q. Did you make that P? A. Yes, sir.

Q. Is that one like this one? A. Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two strokes on that, and you will probably find the P somewhere.

Q. Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A. Yes, sir.

Q. Now that P in potatoes is made that way, isn't it?

A. No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight back and going around that way (indicating). I make P's in one of three different ways.

Q. Now Mr. Wayne, the word Peter there in this book is blurred?

A. Yes, sir.

Q. It is indistinct? A. No, sir, not to my mind it is not.

Q. Not as clear as the entries below it? A. It is about the same thing here except that P in here, that I see, appears to be a little clearer than that p-t-e-r.

Q. Well, do you state that that is as clear as the entries below?

A. No, sir, I say it is not. It is the same as some that would be here in some other place.

Q. Now you didn't use this book since eighteen and what? A. Oh I have probably referred to it for some regards in regard to an orchard that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q. Where was this book when you were first interrogated about Peter Ward? A. It was in my desk in my room.

Q. Do you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without referring to that book? A. No, sir.

Q. Then you are testifying from that record? A. I am testifying from the record in regard to the transaction.

Q. If the record is wrong you are wrong? A. Yes, sir.

Q. Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A. No sir.

Mr. Smith: If the court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.

Q. Do you want this book any more? A. I have some records in regard to some orchards that I would have to have here.

Q. If you are willing, we would like to keep it a while in order to [illegible], and the commission will return it to you afterwards? A. I have no objections, but there is a little paper in there I could take out afterwards.

Q. Now, Mr. Hastings: When was this entry made? Was it made at the time it purports to have been made? A. Yes, sir, I tried to put down the night in which they were made.

Q. Now, the page before, or the second page before that, of Peter Ward, I notice this entry (reading) I believe it [illegible] through? A. Yes, sir.

[illegible] day, is that [illegible] down to me, so; it tells the [illegible] on the opposite page.

Q Opposite page to where you signed it, no? A Yes, sir, to where I signed it up here, it is three pages over.

Q Well, between the two pages before this and any three pages afterwards, they contain the transactions of that year of 1897 [illegible] does, yes, sir.

Q Mr. Tuohy, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated [illegible] than by myself? A No, sir, not to my knowledge, unless my little boy might have done [illegible] of it.

Q Well, you never mutilated that page or later page or erased it? A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when [illegible] the [illegible] of [illegible] with reference to your knowledge about [illegible] A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: [illegible] testimony will be made part of the record in the case [illegible], and part in P-618, P-619, P-620, P-621, P-622, P-623, P-624, P-625, P-626, P-627, P-628, P-629, P-630, P-631, P-632, P-633, P-634, [illegible]

[illegible]

Bruce C. Jones, [illegible] sworn, says that he stenographer to the [illegible] to the [illegible] correctly reported the proceedings and testimony [illegible] case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Sworn to and subscribed before me this 15th of November, 1901.

[illegible]

Commissioner.

Q [illegible] and only the month and the day. [illegible] A Yes, sir, everything down to the [illegible] the opposite page.

Q Opposite page to [illegible] A Yes, sir, to where I [illegible] it up here, it is [illegible] over.

Q Well, [illegible] this and say three pages afterwards. They contain the transactions of that year of '69? A It does, yes, sir.

Q Mr. Wacho, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it? A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: [illegible] testimony will be made part of the record in the case [illegible], and part in D-608, D-610, D-611, D-613, D-135, D-[illegible], D-616, D-618, D-619, D-621, D-622 D-[illegible], D-623, D-626, and [illegible]

[illegible]

Bruce C. Jones, [illegible], says that as stenographer to the [illegible] to the [illegible] hereinbefore he correctly recorded the proceedings and testimony [illegible] case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of November, 1901.

M D Kean
Notary Public
Commissioner.

Cher Fr D 886

Cher Fr D 886

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26,1901.

In the matter of the application of Samuel D. Pinder for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Samuel D. Pinder.
Q How old are you, Mr. Pinder? A As near as I know I am between 44 and 45.
Q What is your post-office address? A Elliott.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to be enrolled besides yourself? A No one.
Q Is your name on any of the rolls of the Cherokee nation? A Nosir
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A No sir.
Q Have you any witnesses?A Yes sir.
Q What is their names? A Lucter Foreman, Lewis Daniels, Allen Lynch.
Q Were you a slave? A Yes sir.
Q What was your owner's name? A Ann Pinder.
Q Was she a Cherokee Freedman? A She was A Cherokee by blood.
Q Whatwas your father's name?A Daniel Pinder.
Q Is he living? A No sir.
Q Your mother's name? A Jane Pinder.
Q Is she living? A No sir.
Q Where were you born? A Born in Illinois District.
Q Cherokee nation? A Cherokee nation, yes, sir.
Q Were you a resident of the Cherokee nation at the beginning of the war between the North and the South? A Yes sir.
Q Did you go out of the Cherokee nation during the war? A No sir.
Q Have you lived in the Cherokee nation continuously all your life? A Well since I have been a minister I have been travelling around out and in, travelling a good deal.
Q You are a minister? A Yes sir.
Q Where were you living in the year 1880? A At Ft. Gibson.
Q In the Cherokee nation?A Yes sir.
Q Why is your name not on the roll of 1880? A Well I wasn't here in 1880; I left here about '78.
Q Where did you go to? A I went out and went to school to Ohio.
Q Well when did you return? A I returned here in the year 1886, and stayed only a short time, and have been travelling around.
Q Are you married? A No sir.
Q Ever been married? A No sir.
Q Never been married? A No sir.
Q Did you ever apply to the Cherokee authorities to be enrolled? A No sir, I never made any application.
Q Didn't apply to the Kerns-Clifton Commission? A No sir.
BY MR. HASTINGS, Cherokee Representative:
Q Did you apply to the Wallace Court? A No sir.
Q What was your mistress named? A Ann Pinder.
Q Did she have a husband? A Yes sir.
Q What was his name? A I don't remember his name, I was quite a child at that time, I don't remember his name; I know he was A white man though.
Q Did she have any children? A Yes sir.
Q What were their names? A I don't remember. You know I was not old enough to remember anything about it.
Q Did she have any neighbors? A I suppose she did, I don't remember anything about that part of it.
Q Were you living on a farm? A I suppose she was.
Q Do you remember that? A No sir, I don't remember that.
Q What was your mother's name? A Jane Pinder.

Q Who did she belong to? A She belonged to same parties.
Q How far from Fort Gibson did you live before the war? A I don't know sir.
Q About how many miles? A I don't know that.
Q Was it as much as a Hundred? A I don't know it.
Q What was your father's name? A Daniel Pinder.
Q Who did he belong to? A He belonged to Ann Pinder.
Q What became of your father and mother? A My mother died when I was about, well when I was a good chump of a boy, down at Hackey's Lick, about the winter of '65, with the small-pox.
Q What became of your father? A He lived on and died in '85, he never had no home.
Q Where did he die? A Died at Ft. Gibson.
Q In the town? A Well I wasn't in the country at that time, I don't know where he died in town or in the country.
Q When was the first time you ever saw Ft. Gibson? A First time I ever saw Ft. Gibson I suppose it was along in the spring of '65 or '6, along in there.
Q Who did you live with there? A I lived with Uncle Billy Baker, stayed around the garrison there with him.
Q Did he have a wife? A Yes sir.
Q What was her name? A Sallie I think.
Q Did she live around the garrison? A No, his house was across the bayou there.
Q How far? A I don't know just how far.
Q Was it as st or west or north or south? A South I think, southeast.
Q About 10 miles? A I don't think it was so far, I don't know, I couldn't tell you that, because I was a boy, didn't charge my mind with such things.
Q Where did you come from here? When you came here to enroll? A I came from up here on ~~Big Creek~~ the Verdigris river.
Q How long had you been up there? A I went over there last Sunday.
Q Where did you go from to Verdigris river? A I went from Snow Creek.
Q How long had you been at Snow Creek when you went down there last Sunday? A I had been often and on there every week and every month.
Q What? A I am there often and on every week and every month.
Q When did you first see Snow Creek? A I first saw Snow Creek in the fall of '94.
Q Where did you come from to Snow Creek? A When I come to Snow Creek I came from Oklahoma.
Q How long had you lived in Oklahoma? A I lived there about a year
Q Where did you go from to Oklahoma? A I went from Texas.
Q What town in Texas? A Hookley and Texarkanna.
Q How long did you live at Texarkanna and Hookley? A About a year.
Q Where did you go from there? A Oskaloosa, Iowa.
Q Where did you go from to Oskaloosa? A I went from Harriman, Tennessee.
Q How long had you been in Harriman, Tennessee? A Oh I had been there since '85.
Q Now where did you go from when you went to Harriman, Tennessee?
Q When I went to Harriman Tennessee I went from Zenia, Ohio.
Q How long had you been in Zenia, Ohio? A I had been there since about '80.
Q Where did you go from when you went to Zenia? A I went from, I think it was Fort Wayne, Indiana.
Q How long had you lived in Ft. Wayne? A I had only been there about six months.
Q Where did you go from to Ft. Wayne? A I went from Saint Louis.
Q How long had you been in Saint Louis? A I had been there about three months.
Q Where did you go from to Saint Louis? A I went from Vinita down here.

Q How what year did you leave Vinita to go to Saint Louis? A I think I left Vinita to go to St. Louis, my best recollection, it was '79.
Q How long had you been in Vinita at that time? A Oh I had just went there.
Q How long did you stay there? A I didn't stay there any time.
Q A week? A No sir, I didn't stay there a week.
Q Where did you come from to Vinita.
I come from working out here around Maryland Beck.
Q How long did you ~~kind~~ work for Maryland Beck? A I was there often and on.
Q But right then, at that time, just ~~gon~~ before you went to Vinita? A I may have stopped there two or thee months.
Q Where had you been before that, before you went to Maryland Beck's? A I worked around at different places through the country, Coffeyville and Parker.
Q Did you work at Coffeyville before you went to Maryland's? A No sir, before I went to Maryland's I worked over here, I think it was on California Creek.
Q Who for? A For George Swannock and John Swannock.
Q What direction is that from here? A Why kind of north-east from here, sir.
Q How far? A Well I would judge it is about 12 , or I don't know how far it is now.
Q What was your nearest town to that place, that you worked? A A There was no town there, only Coffeyville and Parker over there.
Q What was johnSwannock's wife's name? A I don't know.
Q Did he have any children? A Yes sir,
Q What was their names? A I don't remember their names.
Q How long did you work for him? A I just worked there often and on, ~~because~~ go there and stay perhaps 6 months.
Q What kind of work did you do? A I chopped wood and I would gather corn and plow.
Q Did he live in the prairie? A No sir, lived along there on the Creek.
Q On what creek? A On California Creek; didn't live right on the creek.
Q Where did you come from to Swannock's? A Al Lynch's.
Q When did you first see Al Lynch? A I don't know.
Q What year? A I don't know anything about any years at that time.
Q How long did you remain at Mt. Gibson after the war? A I couldn't tell you just how many years, but my best recollection was it, was along I reckon it was three or four years.
Q And then where did you go from there? A I went to Al Lynch's.
Q Al Lynch's straight? A Yes sir,
Q And that's the first time you ever saw Al? A No sir, I saw him as a boy.
Q You don't remember whatyear? A No sir,
Q How long did you stay at Al's? A I stayed there about a year.
Q Worked for him? A Yes sir,
Q Then where did you go? A I went up about Chetopa, out from Chetopa there, I don't know just what way it was, and worked for about nine months for old man Samuel Oliver.
Q Was he a white man? A Yes sir,
Q Was that in Kansas? A Yes sir.
Q What direction from Chetopa was it? A I don't know, I think it was out west from Chetopa.
Q Where did you go from there? A I went back to Al Lynch's again.
Q How long did you stay there at that time? A Well I stayed there about perhaps nine months, I don't know just how long I stayed there.
Q Where did you go from there then? A (No reply.)

Q Where did you see Luster Foreman? A Around Gibson there.
Q What year? A I couldn't tell you what year, I would see him there when I was a boy all the time.
Q You see L.D.Daniels there too? A Yes sir.
Q You knew him well? A Yes sir.
BY COM'R NEEDLES:
Q You say you have never been married? A No sir.
Q Just a young man knocking around over the country everywhere working? A Yes sir.
Q Did you always consider the Cherokee nation your home? A Yes sir
Q Where were you born, here? A Yes sir.
BY MR. HASTINGS:
Q You are a preacher aint you? A Yes sir.
BY COM'R NEEDLES:
Q How long have you been a minister? A I have been a minister now since 1885, that is in the true ministry, I have been a missionary, I started in the missionary work in about '82 or '83.
Q How all this time that you have been over the country were you working as a missionary minister? A Yes sir, been working all the time since.
Q That's the business that you have been at? A Yes sir.

LUSTER FOREMAN, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Luster Foreman.
Q How old are you, Luster? A About 50 or 60 I guess.
Q What is your post-office? A Vinita.
Q You are a Cherokee Freedman? A Yes sir.
Q Do you know the applicant, Mr. Pinder? A I used to know him, No I don't really know him now, I knowed him when he was a boy, I guess he is the one, he represents himself to be the boy.
Q Where was that? A That was at Mackey's Lick, his mother died down there with the small-pox, and she had a boy named Samuel.
Q That in the Cherokee nation? A Yes sir.
Q What year was that? A That was along about '65 I guess, I was down there making salt in Mackey's Lick.
Q Have you known him since that time? A I knowed him was while afterwards along in '68 around the garrison there, if he is the one.
Q You knew the boy named Sam? A Sam Pinder, claimed to be uncle Dan Pinder's son.
Q After that where did you first meet Mr. Pinder here? A See him again?
Q Yes? A I saw him here the other day, I seen him down there at Chelsea, and he was inquiring about his people, and said he was the one.
Q Made himself known to you down there? A Yes sir, That's the first time I ever saw him since.
BY MR. HASTINGS:
Q What was his mother's name? A Jane.
Q Where did she die? A She died there with the small-pox.
Q In what year was that? A About '65 I guess, that's when we was working down there.
Q What time of the year was that? A Oh Lord, I don't know.
Q You don't know what time of the year it was? A It was along in the winter I believe.
Q Was his father there at that time? A No sir, he wasn't.
Q You couldn't tell about this boy as being that same fellow?
A Well I couldn't be positive of it, he has grown too much, he has grown out of my sight.
BY COM'R NEEDLES:
Q You don't know whether this is the same man or not? A No, I really can't say.

Q BY MR. HASTINGS:
Q You are not identifying him then as that being the same man?
A No sir. I couldn't say, he has growed out of my knowledge.
BY COM'R NEEDLES:
Q Was Jane pinder a slave? A I reckon, I don't know.
(Com'r asks applicant if he desires to examine witness, and applicant says no.)

L.D.DANIELS, being sworn and examined by Com'r Needles, testified as follows:

Q Your name is L. D. Daniels? A Yes sir, age 54, Clarmore is my post-office, sir.
Q You know the applicant, Mr. Daniels, Mr. Pinder? A Yes sir, I got acquainted with him a few years ago.
Q When did you first know him? A I believe it will be the 16th of next month I got acquainted with him to a ceremonion at Big Creek.
Q 14th of next month? A Yes sir, next month will be 2 years.
Q Been 2 years the 16th of next month? A Yes sir.
Q Did you ever see him before? A Well if I seen him before that I didn't know it, I may have seen him, but I don't know as I did.
Q You don't know where he was born? A No sir.
Q Nor who his owner was? A No sir.
Q Nor where he was in '66? A No sir.
Q You have known him for the last 2 years? A Yes sir, seen will be.
MR. HASTINGS waives examination of witness.
(Applicant asked by Com'r if he desires to examine witness, and says no.)

ALLEN LYNCH, being sworn and examined by Com'r Needles, testified as follows:

Q Your name is Allen Lynch, your post-office? A Vinita.
Your age? A 61.
Q You are a citizen of the Cherokee nation? A Yes sir.
Q Are you acquainted with Samuel D. Pinder, the applicant? A I am acquainted with him.
Q How long have you known him? A He worked for me here about 24 or 25 years ago.
Q Was that the first time you knew him? A That's the first time I knowed him. He worked for me there on the river.
Q You know whether he was a slave or not? A No sir, I don't know his owners.
Q You know where he lived in '66? A No, only what he told me, he told me he lived at Gibson.
BY MR. HASTINGS: Don't tell what he told you.
Q Have you known him continuously since that time, Mr. Lynch? A No sir, I haven't seen him from the time he left my place until I saw him out here on Big Creek.
BY MR. HASTINGS:
Q How long did he work for you? A He worked for me pretty near a year, pretty near a year, I guess about a year, nearly 4 year.
Q That's the only time he worked for you? A Yes sir, that's the only time he worked for me.
Q That's the first time you saw him? A Yes sir, that's the first time I ever saw him.
BY COM'R NEEDLES: Of Applicant, Mr. Pinder?
Q You want to ask him any questions, Mr. Pinder? A No sir, I guess not.

LILA JOHNSON, being sworn by Commissioner Needles, is offered by the Cherokee nation in rebuttal, and testified as follows:

BY MR. HASTINGS:

Q What is your name? A Lila Johnson.
Q What is your age? A 34 years old.
Q Where do you live? A On Big Creek.
Q How long have you lived there? A Been living there about 21 years
Q Where did you come from there? A Pryor Creek.
Q How long did you live in Pryor Creek? A I don't know, I come the little bit of a gal.
Q Where did you come from to Pryor Creek? A I can't tell you, I was too little.
Q Do you know this man, Sam Pinder? A Yes sir, I am slightly acquainted with him.
Q Where did you first see him? A On Big Creek.
Q When did he come there? A About three years ago.
Q You know where he came from? A Told us when he came to our house he come from Oklahoma.
Q That the first you ever know of him? A First I ever saw him or heard of him.
Q That's all you know about him? A That's all I know about or about in this examination.

BY COM'R MEADLIN:

Q Do you know anything about him in any other nation? A No sir, never knowed nothing about him nowheres before.

Com'r Meadlin: Samuel D. Pinder applies for the enrollment of himself; his name cannot be identified upon any rolls of the Cherokee nation now in the possession of the commission; he avers that under oath that he was a slave of a Cherokee citizen, and born and raised in the Cherokee nation; for particulars as to his residence etc. reference is made to his testimony. He fails by any witnesses to identify himself, but in order to give him an opportunity to present other testimony at any future time in regard to his citizenship he will nowbe listed for enrollment as a Cherokee Freedman upon a doubtful card.

SUPPLEMENTAL, to judgment:

LILA JOHNSON, recalled and further examined:
Also the applicant, Mr. Pinder, is called to hear what witness testifies.

BY MR. HASTINGS:

Q How long did you say you had known this man on Big Creek? A About three years ago last fall, last October, since he come to our house.
Q And you were living there? A I was living right where I am living now.
Q What do you know about his mother's death? A I know she wrote to him, sent a dispatch, in Ohio, and he went to see her.
Q How do you know? A Because the M. E. Methodist Church made up the money for him to go to see his mother.
Q They gave him the money? A Yes sir, give it to him And he went and stayed with her until she died.
Q How long ago was that? A That has been about two years ago.
Q Where did he say his mother was? A In Ohio, that's where he went.

Samuel D. Pinder 7

Q MONTGOMERY MORRIS; went to Ohio? A Well that's where he said he was going when he wanted the church to get the money for him to go, and when he come back he said that's where he had been.
Q Did he tell you that? A Yes sir, he said he went to Ohio to see his mother.

BY MR. HASTINGS;

Q Did he say she died? A Yes, she died.

BY MR. SAMUEL D. PINDER; (Applicant.)

Q Ask her how much money the church made up for me? A I don't know how much money they made up for you, but they give you money and you went.
Q Do you know I had a mother in Ohio? A You told me yourself.
Q Who hired you to come here and tell this tale? A Nobody, nobody have hired me.

Applicant, SAMUEL D. PINDER, re-called and further examined;

BY COM'R MORRIS;

Q Now you have heard the testimony of the witness, what have you to say in regard to it? A It's all a mistake.
Q Did your mother die in Ohio? A No sir.
Q Did you go to see your mother die in Ohio? A No sir, I didn't go to see my mother die in Ohio.
Q Did you ever tell this witness that? A Not to my knowledge. It's true I went to Ohio.
Q When did you go there the last time, 2 years ago? A Went there, No, I don't think it was even 2 years ago.
Q Did you have the church and friends and neighbors up there to make up your money for you? A They paid me what they owed me, they didn't make up money for me.
Q Didn't they make up money and send you to Ohio? A No sir.
Q Didn't you tell them that's what you wanted to go for? A No sir.
Q Didn't you tell them you got a dispatch stating that she was quite ill? A No sir.
Q You deny that? A Yes sir.
Q Where were you, on Big Creek at that time? A I was pastor on Big Creek.
Q Did you have charge of a church up there at that time? A Yes sir.
Q You did go to Ohio though? A Yes sir.
Q What did you go for? A I went to Ohio just like I go every place; I go away every year, and I went to Ohio on business, and I go away every year; this special time I went to Xenia to a commencement there, and I stayed there during the commencement and remained there a month. It is true, some of the friends that I was acquainted with while in Ohio did die during the time I was there, and the woman that I had lived with there in Xenia,- I think she lived on 4th Street, Mrs Brown's wife, I lived with them 5 years there, and that woman did die; I did go there during that time.
Q You want to make any other statement? A That's about all; I wanted to answer your question as near as possible.

Witness, LENA SOMERS, re-called and further examined;

BY MR. HASTINGS;

Q What else do you want to state, anything more? A He told us out of his own mouth, remember we asked him where was his wife at home, and he said in the State of Ohio; told us so; he said he was here and raised there. Told me and my husband too.

[illegible]

Samuel R. Rinder 6

M.L. Pregnalle being first duly sworn, states that as stenographer to the Commission on the given Civil Cases he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 10, 1901.

Commissioner.

T. D. 888
Samuel D. Pipkin.

Sept 12, Proof of service rnd and filed.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this.....day.....A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....
Samuel D. Pender
on the 12 day of Sept A.D.1901
Robert Vore

Subscribed and sworn to before me this 12 day of Sept A.D.1901.

.....

NOTICE!

IN THE MATTER OF The application of Samuel D. Pinder for enrollment as a Cherokee Freedman:

Case No. F. D. 886

To Samuel D. Pinder

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept 18, A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 12th day of Sept, 1901.

L B Bell
W W Hastings
J S Davenport

Attorneys for the Cherokee Nation.

Served by Columbus Swanley - 7/16-1901

MARSHAL'S RETURN.

INDIAN TERRITORY, }
CHEROKEE NATION. } ss

I Hereby Certify That I received the within summons on the..... day of....., 1901, and that I served the same by copy, as follows:

Personally on ..... at..... this..... day of..... 1901

Personally on ..... at..... this..... day of..... 1901

Personally on ..... at..... this..... day of..... 1901

At residence of ..... at..... this..... day of..... 1901

At residence of ..... at..... this..... day of..... 1901

At residence of ..... at..... this..... day of..... 1901

With a member of witness's family over fifteen years of age there residing.

.....

Marshal for the Cherokee Nation.

D 386 —

D. 884

SUBPOENA.

INDIAN TERRITORY,
CHEROKEE NATION.

TO THE MARSHAL FOR THE CHEROKEE NATION:

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President Dec. 28th, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons [illegible]

to be and appear before the United States Commission at [illegible] I. T., on the 18 day of [illegible], 1901, then and there to give evidence in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under [illegible] hands this the 12 day of [illegible] 1901.

L. P. Rock

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

NAD 886

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

18th day of Sept 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of A.D.1901

.....

Subscribed and sworn to before me

this ..... day of ..... A.D.1901.

.....

Notary Public.

9/8- filed

NOTICE!

IN THE MATTER OF the application of Samuel Pinder for enrollment as a Cherokee citizen:

Case No. D 886

To Samuel Pinder or Jno. Faulds his Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 20th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-18-1901.

L. B. Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

Docket No. 388.--To.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 23 1901

ACTING CHAIRMAN

C. O. Greene, being duly sworn, states that he is the attorney of record in the above entitled case, and that the transcript of the testimony and hearing in said case, and that the transcript is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of September, 1901.

Commissioner.

Supl.-C.F.-D.#886.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 18, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL D. PINDER as a Cherokee Freedman, introduced on the part of Applicant:

APPEARANCES:
J. F. Faulds, Attorney and Applicant present;
W. W. Hastings, Attorney for Cherokee Nation.

POLLY NIVENS, being duly sworn, testified as follows:
BY THE COMMISSION: What is your name? A Polly Nivens.
Q How old are you? A 56 years old, going on 57.
Q What is your post office address? A Fort Gibson.
MR. FAULDS: Do you know the applicant, Samuel D. Pinder?
A Yes, sir.
Q When did you first know him? A First knowed him when his mother was living here at Ann Pinder's down here in the bottom.
Q When did you first know him? A Before the war, knowed his mother.
Q Where was his mother living before the war? A Master was living down here this side of the river.
Q Then his mother was owned by Ann Pinder? A Yes, sir, and his father too.
Q Was Ann Pinder a Cherokee by blood? A Yes, sir.
Q And they lived here near Fort Gibson you say? A Yes, sir, lived on this side of the river.
Q Were they here when the war broke out? A Yes, sir, Mrs. Pinder was dead at that time.
Q Where were they during the war? A When I saw him, I saw his mother at Mackey's lick, some called it Drew's lick.
Q Was he small at that time? A Yes, sir.
Q Small boy? A Yes, sir, he was laying in bed; he was badly burned, I just looked at him in the face.
MR. HASTINGS: He was burned in the face? A No, sir, he was burned along here (indicating.)
MR. FAULDS: Well, then, after the war, when peace was declared, did you see him? A Yes, sir, I saw his mother. She died at Mackey's lick.
Q Well, then, how long after the war did you see this boy and where was he? A He stayed here in the Garrison often and on.
Q After the war? A Yes, sir, cooking for the officers, he was waiting on the officers, blacking their shoes.
Q Well, then, did you see him any more after that? A No, sir, I never seen him any more after that; when them officers left here and he left.
Q Well, do you know whether he was here in 1866 after the ratification of the treaty?
(Questions objected to by Mr. Hastings:
A He was here.
Mr. Faulds: I will put it this way if you like:
Q Where was he in the fall of 1866? A He was here, he was up here in the Garrison.
Q In the Cherokee Nation? A Yes, sir, he was working for Bill Baker, dishwashing around; he knowed me when he saw me up there.
MR.HASTINGS: Why didn't you come up there and testify for him?
A He said he didn't know I was there or he would have had me to come and testify for him.

MR. FAULDS: Now did I understand you, what did you say i n regard to his whereabouts after the war, 1866? A I could not say; you know after he stayed here, Bill Baker and my father broke up the officers' mess here.
Q When was that? A That was away after peace was made.
Q Well, about how many years after peace was made?
A About four or five years.
Q Was he here at that time? A He was here, him and his daddy, and his daddy was an old man and he went down here to my mother and they run them off.
MR. HASTINGS: You were up at Nowata when this man appeared? A Yes, sir, he didn't ask me to help him.
Q Didn't you know him then? A He come up to me and looked like to me I know him, and I saw don't you know I threw a plate at you at Bill Baker's right here in the Garrison.
Q He threw a plate at you? A I throwed a plate at him.
Q How old was he when the war closed? A He was a good big boy.
Q About how old was he? A He was ten or 12 years old.
Q How old was he when the war come up? A I don't know.
Q You saw him did you? A I never saw him until I saw him at his mother's.
Q What was his mother's name? A Susie Pinder.
Q You knew her well? A Yes, sir; she was put on the block once and sold her for a box or tobacco.
Q Now, you saw him with his mother and you know that that was his mother? A She said that was her mother.
Q Well, you saw him nursing at the breast? A I never saw him until he was burnt.
Q Was he brned before the war? A No, sir, it was after peace was made, down at Mackey's lik making salt and I come there and stopped there, stayed all night.
Q And he was there with his mother? A Yes, sir.
Q And his mother was named Susie? A I was coming from Mr. Downings.
Q And she was named Susie? A Yes, sir.
Q Who did his mother belong to before the war? A Ann Pinder.
Q How long after the war did Ann Pinder die? A I don't remember when she died, whether she died before the war or afterwards.
Q You remember her? A Yes, sir.
Q She was living when the war come up? A Yes, sir, I think she died after the war, I never heard of her being dead before the war.
Q You saw her during the war? A She was living right over here and I never come to see her and I never heard of her death.
Q Did Susie ever have a child before the war? A I never asked her anything about it.
Q You never saw any child there? A No, sir.
Q Do you know Emily Tyner out here? A That ain't her daughter.
Q Not Susie's daughter? A No, sir, Aunt Nancy Thornton's granddaughter.
Q Is not Ann Pinder's daughter? A No, sir.
Q You are positivie about that? A Yes, sir.
Q Did Ann Pinder have a husband? A I guess she did; she didn't then.
Q Now, do you know who this man's father belonged to before the war come up? A Belonged to Ann Pinder.
Q Do you know whether Ann Pinder was alive before the war or not?
A Yes, what I say I never saw her.
Q Well, how long before the war did you see her? A I don't know nearly a year, I come up going out to my mothers and stopped there.
Q What sort of a house did they live in? A Pretty good house.
Q Double log house? A Yes, sir.
Q Entry between? A Pretty good looking house.
Q About how far from here? A Down here by the ferry where-

Connel Rogers lives.
Q Right in there? A Yes, sir, somewhere in there.
Q When did this man's father die? A Uncle Dan died since Peace was made.
Q Did this boy live with his father after the war? A He took him down to my mother's, him nd his father stayed down to my mother's about a week.
Q This boy was burned on which side? A I think it was on this side? (indicating.)
Q Right side? A Yes, sir, on the leg.
Q Right leg? A She said my child if burnt awful bad.
Q Did you look at it? A No, sir.
Q Wasn't his father there then? A No, sir, uncle Dan was around just anywheres.
Q Wasn't he there then? A No, sir. Uncle Dan Didn't stay anywheres particular.
Q If this man was to say Susie was not his mother you wouldn't know what to think about it? A If he was to say Susie wasn't his mother I wouldn't know a thing about it.
MR. FAULDS: I want you to think about his mother's name?
A They called her two or three different names, called her Shorty sometimes, she was a little.
Q Was she ever called Jane? A Yes, sir, she was called Jane, and she was called Susie too; we called her Shorty and we called her Jane and we called her Susie.

JOE BRUNER, being sworn, testified as follows on part of Applicant:
MR. FAULDS: Your name is Joe Bruner? A Joe Bruner.
Q And your post office is Benge? A Yes, sir, I. T.
Q And your age? A I am going on 65.
Q Do you know the applicant, Samuel D. Pinder? A I know a boy by that name.
Q Well, do you refer to the applicant, is this the same? A That is the complexion of the boy, when he was a small boy.
Q Where did you know of him? A I knew him when he was down to Fort Gibson here at his mother.
Q What was his mother's name? A Janex.
Q Who owned her? A Ann Pinder.
Q Was she a Cherokee Indian by blood? A Always said to be.
Q Well, was that before the war you first knew this boy?
A That was in time of the war I knew his mother before the war.
Q Were his mother and this boy here during the war? A Yes, sir.
Q Where they here after the war? A I saw him, she was dead.
Q She died? A Yes, sir.
Q Where did she die? A I suppose she died down on the river, here about the exit link of the smallpox.
Q Was that during the war? A That was about the winding up of the war.
Q Well, how long after the war did you see him here?
A I saw him here with Bill Baker, I saw a boy with Bill Baker.
Q Did you see him here in '66? A Yes, sir.
Q About what time of the year? A It was in the fall of '66.
Q At Fort Gibson? A Yes, sir.
Q Well, did you see him after that? A I saw him after that.
Q How many years after that? A It was in '75, when I saw that boy again.
Q Where was that? A It was up here on Big Creek at Dick Whitmire
Q In the Cherokee Nation? A Yes, sir.
MR. HASTINGS: At Dick Whitmire's? A Yes, sir.
MR. FAULDS: What was he doing there? A He was there.

MR. HASTINGS: With Dick? A Yes, sir.
MR. FAULDS: Did you see him any more? A I saw him again around here and he told me it was Jane Pinder's boy.
Q At that time, in '73? A Yes, sir, and I know the boy saw me here.
Q Are you satisfied this is the same man?
MR. HASTINGS: Don't tell that.
Q Is he the same boy? A He is the same color, I could not swear positively as to his name, I could swear to his color.
Q Is this boy you saw in '73 the same one you saw in '66?
A With Bill Baker.
Q You are positive of that? A Yes, sir.
Q That that is the same boy? A BYes, sir.
MR. HASTINGS: Joe, you testified in a case here in which Faulds represented the other side? A Yes, sir.
Q What case was that Joe? A He tried to impeach my oath about something I swore false in the Aleck Martin case.
Q He introduced four or five, six or seven witnesses from down there in Sequoyah district and said they would not believe you on oath? A Yes, sir.
Q He made you about the hardest kind of a man in Sequoyah district?
A Yes, sir, but he had to come back to me.
Q He had a pretty hard case and had to come back to you?
A I don't want to be witness for anything but what I know.
Q You are the same man he introdued so many witnesses against?
A Yes, sir.
Q And that is the same attorney? A Yes, sir.
MR. FAULDS: This is a difference case altogether though isn't it? A Yes, sir.
MR. HASTINGS: JJe, when did Ann Pinder die? A I don't know when Ann Pinder died.
Q How long after the war? A I don't know.
Q Dd you see her after the war? A I did not as I knows of.
Q When is the last time you remember seeing her? A I saw her before the war, my uncle used to live with her, and I saw her before the war.
Q Well, how long? A It might have been in '59, '7 or '8.
Q I want you to give your best opinion; do you think it was in '57, '8 or '9? A It was in '68, somewhere along there.
Q Was this man's mother living with her at that tije? A Yes,sir.
Q Belonged to her? A Yes, sir.
Q At that time? A Yes, sir, and so did my unes, Russell.
Q That black man by the name of Pinder belonged to her?
A Sam Pinder, Daniel Pinder.
Q Daniel Pinder belonged to her at that time? A Yes, sir.
Q That was '57 or '8? A Yes, sir.
Q Now, did you see the child's father at that ti me, the boy?
A Of course I might have w saw the boy.
Q I didn't say this one? A I saw a child there, whether it was a girl or boy I don't know, it was a black child.
Q About how old was it? A It was small then.
Q Well, eight or ten years of age? A Younger.
Q Well, about how many? A I could not tell any facts, I am satisfied it was a child.
Q You don't know whether it was a boy or girl? A No, sir.
Q You didn't understand it? A No, sir.
Q Well, did you ever see it any more? A No, sir, the war was going on and about to end up I was out here.
Q That was the next time you saw the boy? A Yes, sir.
Q Well, did you know whether it was a boy then? A Yes, sir.
Q Now, you knew the mother was called Jane? A Jane Pinder.
Q Did she have any other children at that time? A I don't know.
" You didn't see them? A No, sir.
Q Who was this boy with when you saw it here in '68? A With Bill Baker.

Q Was his father with him? A I don't know whether Daniel was around him or not; I didn't see Daniel.
Q But they told you this boy was? A Yes, sir, I was here with Major Smith.
Q About how old was this boy at that time? A I don't know.
Q Well, about how old did he look to be? A He was a boy.
Q Was he five, ten, fifteen, twenty years of age?
A He may have been ten years old.
Q He said his father's name was Dan. and his mother Jane?
A Yes, sir.
Q And you never saw him until you saw another fellow up at Dick Whitmire's in '73 on Big Creek? A Yes, sir.
Q Was that in the spring or summer? A It was along in August.
Q Up there by himself? A His mother went there and his father went there; there was a disease going through the country, bad cough and bad eyes.
Q Was his father and mother living up there at that time?
A I don't know, his mother was dead.
Q I thought you said his mother was there? A I didn't say that.
Q When did his mother die? A His mother died when they had the smallpox.
Q Was that after the war or before? A It was in '65.
Q That is when his mother died? A Yes, sir.
Q His mother's name was Jane Pinder? A Yes, sir.
Q And she belonged to Ann Pinder before the war? A Yes, sir.

POMPEY THOMPSON, being duly sworn, testified as follows on the part of applicant:

MR. FAULDS: Your name is Pompey Thompson? A Yes, sir.
Q What is your post office address? A Braggs.
Q How old are you? A 53 years old.
Q Do you know the applicant here, Samuel D. PinderA Well, yes, sir, I know the one they claim to be him, that is, I thought I knowed him at one time.
Q When was it you thought you knew him? A He was small; that is, he was young in age when I saw him.
Q When was that? A That was during the war.
Q Where was that? A Down here on Illinois on the Saltlick.
Q In the Cherokee Nation? A Yes, sir.
Q Whom was he living with? A He was in the army then.
Q How old was he then? A I could not tell you that.
Q He was in the army? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q Do you know what his mother's name was? A Jane.
Q Jane what? A Jane.
Q Pinder? A Jane Pinder.
Q Who was her owner? A Ann Pinder, I ain't going to speak until I get right.
Q Was Ann Pinder a Cherokee Indian? A Yes, sir, she was said to be.
Q And you say ~~xxx~~ he owned this Jane Pinder? A Yes, sir.
Q And this boy was a son of Jane Pinder? A Yes, sir.
Q That was the last time you remember seeing him? A I haven't seen him since after the emancipation.
Q You never saw him since? A No, sir.
Q This boy? A No, sir.
Q This is not the man? A That is the man, that is said to be him.
Q You don't know that? A No, sir.
Q Only what you hear? A No, that boy didn't, only he got burned down there at the salt lick that is all I know of it.
Q Where was he burned? A At the salt lick.
Q Whereabouts on his body? A His leg and thigh, I didn't see that I heard it.

Q Suppose if this boy was examined and he was found to be burned what effect would that have on your mind? A That would be for you all to consider, I just tell what I know.
Q Well, that was the last time you saw him after the war?
A I haven't saw him since the war until now.
Q Well, about what time was it away back then you saw him?
Q That was in time of the war.
Q During the war? A Yes, sir, they was running the salt lick down there.
Q You didn't see him after the war? A No, sir
MR. HASTINGS: You never saw him until to-day?
A Until to-day.
Q He told you he was the same man? A Yes, sir.
Q He told you who his father was and his mother?
A Yes, sir, no, his mother, not his father.
Q You don't know who his father was? A No, sir.
Q Never heard? A No, sir.
Q His father and mother were not living together?
A I don't know.
Q Where was he living before the war? A Down here by Greenlee by Braggs.
Q How far was he living from you A I don't know.
Q You never new him until in time of the war? A No, sir, he was in the army.
Q Was he a soldier in the army? A I don't know whether he was or not.
Q Didn't have a uniform on? A I don't know, I just heard about this think.
Q And Jane, about jane whatever you call her, about her son being burned down there at the Salt lick you never did see the boy?
A No, sir, I didn't see him at that time.
Q And you never saw him afterewards? A No, sir.
Q This is the first time you ever saw him you have just heard of him? A Yes, sir.
Q And you have told what you heard? A Yes, sir, I won't tell anything else.
Q Well, then, to-day is the first time you have laid eyes on this man? A Yes, sir.
Q Actually? A Yes, sir.
MR. FAULDS: You didn't see this boy at all during the war? A No, sir.
Q Never got a glimpse of him? A No, sir, I saw his mother, a woman they said was his mother.

JOHN THOMPSON, being duly sworn, testified as follows:
ON THE PART OF THE CHEROKEE NATION:
Mr. Hastings: What is your name? A John Thompson.
Q How old are you, Mr. Thompson? A 45 years old.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Where did you live before the war? A Why I lived down on Greenlee, 12 miles below here.
Q Do you know this applicant here? A No, sir, I do not.
Q Do you know what name he goes by? A Why, I have been called Brown here, Parson Brown when I fi rst saw him.
Q That is when you first saw him? A Yes, sir.
Q Did you know Danile Binder? A I did.
Q Where did he live? A He lived here when I first saw him.
Q Was that after the war, or before the war? A Time of the war.
Q Did he have a wife? A Yes, sir.
Q Do you know what her name is? A Cynthia.
Q Did he have any children? A Had one.

Q What was her name? A Her name was Emily.
Q When did Cynthia die? A I do not know exactly, she died sometime before he did though.
Q How long did you know Daniel Pinder after the war?
A Knowed him up to his death.
Q Where did Pin er live when he died? A He lived down here on Greenlee about a mile and a half northeast of the Court house.
Q You lived at Fort Gibson? A I didn't at that time.
Q here did you live? A I lived about a mile west of the Court house.
Q You lived neighbor to him? A Yes, sir.
Q How long did you live neighbor to him, John? A About four or five years.
Q Did you ever see this man at his house? A No, sir.
Q Did you ever know that he had such a son as this? A No, sir.
Q Never heard of him claiming any? A No, sir.
Q When was the first time you ever saw this man? A I think it was in April of this year.
Q You have lived within twenty miles of Fort Gibson ever since the war? A I have lived within twelve miles.
Q Ever since the war? A Yes, sir.
Q John, you have been a member of the Cherokee Council haven't you?
A Yes, sir.
Q You are on the 1880 roll? A Yes, sir.
Q Recognized Cherokee Freedman? A Yes, sir.
MR. FAULDS: You say the first time you ever saw this man was in April? A April of this years.
Q How come you to get acquainted with him? A I ain't acquai nted with him, I just heard him called Parson Brown.
Q Who called him Parson Brown? A I heard the people here.
Q This Dan Pinder you knew his wife's name was Cynthia?
A Yes, sir.
Q And they had one child and that child was a female and its name was Emily? A Yes, sir.
Q When did you say his wife, Cynthia, died?
A I said I didn't know; I don't know when she died.
Q You don't know whether she is dead? A I heard she was dead.
Q Where were they living when you heard she was dead?
A They were living here around Fort Gibson?
Q Where were you in 1865 and 1866? A Down on Greenlee.
Q How far is Greenlee from here? A Twelve miles.
Q How old were you in 1865? A I was between eight and nine years old.
Q You weren't much acquainted with the people around about than, only just your Immedia e neighbers were you? A I know a good many people, yes.
Q When were you eight or nine years old you knew people all over the Cherokee Nation? A No, sir, I didn't.
Q Do you know if Daniel Pinder had any children? A I knewed of him having one by another woman.
Q What woman was that? A It wa s a woman he married about '78, by the name of Katie.
Q Well did you ever know of him to have any children except one by one he married in '78? A No, sir.
Q What kind of a looking man was Danile Piner? A He was a very old man.
Q Well, now, he may have had children born before the war by women for all you know? A Yes, sir.
Mr. Hastings: I object to that; just ask him what he knows and let the Commission draw the conclusion.
Q When did you get acquainted with him? A Before the war.
Q And he was an old looking man at that time? A He was not a very old looking man; he was a settled man though.
Q Well, about how old did he look to be? A Between 40 and 50.

Q How old did his wife look to be? A She didn't look to be so old.
Q Quite a young looking woman? A Yes, sir.
Q You don't know whether that was his first wife? A I don't know.
Q You don't know the wife he had by the name of Jane Pinder?
A No, sir.
Q Don't know anything about her? A No, sir.

APPLICANT, Samuel D. Pinder, recalled for cross examination:

MR. HASTINGS: Mr. Pinder, where did you live before the war?
A I lived at Ann Pinders down here at the Salt lick and around here at this place.
Q Did you live at Ann Pinder's when the war broke out?
A I suppose I was a boy, I was so young I don't know anything about that matter.
Q You don't remember it? A No, sir.
Q Do you remember Ann Pinder? A No, sir.
Q Well, were you living with her? A I was with my mother and she was there.
Q And your mother was Jane? A Yes, sir.
Q You remember your mother? A Yes, sir.
Q Do you remember Ann Pinder? A I said I di dn't remember Ann Pinder as it is just a faint recollection about Ann Pinder.
Q You remember seeing her? A Yes, sir.
Q And you are 44 years old? A Yes, sir.
Q You were born then in '55? A Born in '57.
Q You were born at Ann Pinder's place down here? A That is what they tell me, I don't know about that.
Q Where were you taken during the war? A My mother said there until the war began and then she went with the soldiers from there around here to the salt lick and she stayed around there.
Q Stayed around the salt lick? A Yes, sir.
Q Now, which direction is that salt lick? A It is kinda south.
Q What salt lick was it known as Mackey's.
Q Did you remain there during the war? A Yes, sir, I stayed there from the time I went there, now I have had only a faint recollection of the time I went there and about with mother.
Q What kind of a house did Ann Pinder live in? A Log house.
Q Did they have any farm, field around about them? A There was a field about there.
Q Do you remember what side of the house? A I don't remember much about it.
Q Was there any spring around there? A I don't remember about that.
Q Where did you get any water? A I don't know.
Q Did he have an orchard? A I don't know.
Q What direction was the field from the house? A I told you I didn't remember anything about that place.
Q Did Ann Pinder have a husband? A She told me she did mother she did.
Q Did she at that time? A It seems to me that I can remember a white man, I don't know whether I do or not.
Q You don't know what his name was? A No, sir.
Q Was there any children on the place? A Yes, I think there was.
Q What were their names? A Now, a boy three or four years old, could not tell people's names, about barfies and houses.
Q Now, what sort of a house was it you had at the salt lick during the war? A It was a little hut.
Q Did you ever see Daniel Roach down there? A I don't know whether I did or not.

Q Did you stay there during the war? A I didn't stay there during the year, I don't think; we went there in the beginning of the war I think we went there in the winter of '65.
Q Where were you when the war closed? A I was around Gibson here.
Q Where was your father? A My father I never seen him but only once in a while.
Q Where was your mother? A My mother was dead.
Q She died during the war? A She died in the winter of '65.
Q And you never lived with your father? A No, sir.
Q You didn't follow him around after the war? A Well, sometijes he would come here and I would go around here with him, go out there to where Ant Polly lived.
Q Aunt Polly Nivens you used to go there? A Yes, sir.
Q And you remember her throwing that plate at your head?
A That was here.
Q You remember that distinctly? (No response.)
Q Who did you live here with? A I stayed around here with Uncle Billy Baker.
Q Around the Garrison? A Yes, sir, around with the soldiers.
Q Was this house built then? A Yes, sir.
Q How many of them house up yender was built? A I don't remember any of them, I remember that Commissary down there and that other house, that Magazine that is all I remember.
Q How long did you stay here? A I stayed here until about '67 about '68, they were hauling stone here as well as I remember when I left here.
Q Where did you go then? A I went up north.
Q Where? A Went over here to Al Lynch's.
Q Who went with you? A Uncle Dick Whitmire.
Q Took you from here? A Took me from there in yender somewhere (indicating.)
Q And you went to Al's; how long did you stay there? A About a year.
Q And you went from there to Whitmires? A I went to Whitmire's.
Q How long did you stay over there? A I would just go over to Whitmire's around there, I didn't stayd with Whitmire long to amoung to anything,
Q Who did you stay with? A I stayed with Maryland Beck most of the time.
Q Why didn't you introduce Maryland Beck as a witness? A I could have introduced him.
Q You admit getting money from Nelson Murrell and them to go back to visit your mother in Ohio? A No, sir, I didn't admit it.
Q You did go back? A Yes, sir, I went to Ohio.
MR. PAULS: There has been some talmk here about you being burned, were you ever burned? A Yes, sir.
Q Whereabouts? A I was burned right there on the leg and right across here; it occurred when I was a kid, the stove was sitting up on bricks ~~something~~ or something they had on these old time stoves and I upset the stove down on my and the stove caught me on the leg and rburned it right in-
Mr. Hastings: Comes now the representati ves of the Cherokee Nation and object to that testimony unless the witness will make an exhibition of himself.
(Applicant raises his trousers and drawers and shows his leg where there is a scar, just above the knee.)
MR. HASTINGS: When were you burned? A Winter of '68.
Q Then you weren't burned before the war? A No, sir.

---ooo000ooo---

Supl.D.#886.--16.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 20th day of September, 1901.

Commissioner.

-2-

Q You didn't say anything about her that night? A I hadn't no right.

Q Didn't you want to come and testify to that, in this case against this man, and say you would tell substantially what Lila Johnson would tell? A No, sir.

Q You don't know where this man went a year ago? A No, sir.

Q You are an applicant for citizenship yourself? A Yes, sir.

Q D card 548? A Yes, sir; I don't know what card it is.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 21st of September, 1901.

~~Notary Public~~

SEP 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 20, 1901.

In the matter of the application of Samual D. Pinder for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of applicant.

Appearances:
J. F. Faulds, attorney for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

ESAU FOX, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Faulds: What is your name? A Esau Fox.
Q What is your postoffice? A Coffeyville, Kansas.
Q How old are you? A 54 years old.
Q Do you know the applicant here, Samual Pinder? A Yes, sir.
Q Did you know him two years ago? A Yes, sir, been about four years since I first got acquainted with him.
Q Was he the pastor of any church up there? A Yes, sir.
Q What church was that? A Well, he was pastor of Big Creek and Elliott Circuit.
Q Do you know a woman by the name of Lillie Johnson? A I know Lilá Johnson.
Q That is the one I mean; well do you remember Mr. Pinder going away to Ohio about two years ago? A He went away somewhere.
Q What were the circumstances of his going away? A I don't know.
Q Were you a member of that church of which he was a pastor?
A Yes, sir.
Q Did that church make up any money for him to go, to give to him to go to see his mother in Ohio? A No, sir.
Q Any talk of that kind? A No, sir.
Q Never heard any talk of that kind? A No, sir.
Q Did you lend him any money? A Yes, sir, Brother Murrell and myself loaned him sixteen dollars, and he gave his note for it.
Q That was the time he went away? A Yes, sir.
Q About two years ago? A Yes, sir.
Q Pay the money back to you? A He did.
Mr. Hastings: Where did he go? A I don't know where he went, he said he was going - -
Q Don't know whether he came to Tahlequah or Fort Gibson? A No, sir, he said he wanted to go away and wanted to borrow some money to go away.
Q Don't know whether he went to Oklahoma or Kansas City? A No, sir, I never asked him and he never told me.
Q Don't know whether he went to Fort Smith or Van Buren? A No sir.
Q Might have gone to Centralia for all you know? A I don't know where he went, he might have been here and might have been somewhere else.
Q Was sixteen dollars all he borrowed? A Yes, sir.
Q You are a colored claimant for citizenship yourself? A Yes, sir.
Q Were you up at Nowata when this investigation was had? A No, sir.
Q Old man Nelson Murrell was? A I don't know sir, I wasn't there.
Q Did you hear of his mother dying over in Ohio? A No, sir.
Q You never? A The first acquaintance I had with him he told me his parents died somewhere in the Cherokee Nation.
Q Don't tell any conversation, I am not asking any conversation between you and him.
Commission: Just answer his question.
Q What did this man go by when he first came up there? A Pinder, he said his parents was named.
Q What did he call himself in the neighborhood? A Brown.
Q He went by the name of Brown? A Yes, sir.

Q Did you ever hear him called anything else about up there but Parson Brown? A Parson Brown.

Q That was what he went by up there all the time, wasn't it?

A Yes, sir.

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WELSON MURRELL, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Faulkner: What is your name? A Welson Murrell.

Q What is your postoffice? A Coffeyville.

Q How old are you? A Going on 78.

Q You know the applicant here, Sam Finder? A Yes, sir.

Q Was he the pastor of a church up there, of which you were a member? A Yes, sir.

Q Where was that? A Up in Coowescoowee, up on Snow Creek, Cherokee Nation.

Q Did he ever get any money or take a collection for any money?

A Not as I know of.

Q To go away to Ohio to see his dead mother, or attend her funeral?

A Never heard him.

Q He did go away somewhere though? A Yes, sir.

Q You know where he went? A No, sir.

Q Where did he get the money to go with? A Got it from me and Mr. Fox.

Q How much did you loan him? A $10.

Q Did he pay you back? A Yes, sir.

Q How long ago was that that he got that money? A It was a little over a year ago, I don't know exactly the time.

Q He never got any money any time from a collection to go and see his mother? A Never that I know of.

Q You are a member of the church? A Yes, sir, I am a member of the church.

Q Well, you occupy any official position in the church? A I am a steward, trustee.

Q If anything of that kind occurred you would know it? A Yes, sir.

Q Do you know a woman named Lila Johnson, about 30 years of age, I think she says, up there? A Yes, sir, well acquainted with her.

Q She a member of that church? A Well she has been, I don't think she is now, she may be but I don't think she is.

Q Why left the church? A I think she has, however she don't attend the church I know.

Mr. Faulkner: You are the pastor now? A No, sir.

Q [illegible] there that night Mahlah Johnson testified?

A [illegible]

Q [illegible] there at that time that she told the truth and you [illegible]? A Was I sworn?

Q [illegible] weren't you? A How did I tell?

Q [illegible] in that court: didn't you swear [illegible] there, back there with the crowd around [illegible] right there in the whole crowd, that Lila Johnson [illegible] and you knew it and was ready to go on the stand and testify as to what Lila Johnson testified up that time?

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

Q [illegible] A [illegible]

Q [illegible] to see [illegible]

Q [illegible]

Q [illegible] A [illegible]

Q [illegible] might [illegible] to go to see his mother, but [illegible] [illegible]

Q [illegible] a good number of the church there? A [illegible]

Q You didn't say anything about her that night? A I didn't had night.

Q Didn't you want to come and testify to that, in this case against this man, and say you would tell substantially what Lila Johnson would tell? A No, sir.

Q You don't know where this man went a year ago? A No, sir.

Q You are an applicant for citizenship yourself? A Yes, sir.

Q D card 348? A Yes, sir; I don't know what card it is.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 21st of September, 1901.

Notary Public.
Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 20, 1901.

In the matter of the application of Samuel D. Pinder for enrollment as a Cherokee Freedman.

Testimony on behalf of Cherokee Nation.

Appearances:
Applicant not present or represented;
W. W. Hastings, of counsel for Cherokee Nation.

Commission: By agreement of the representative of the Nation and the attorney for the applicant, this case was continued to Friday morning, September 20, between the hours of eight and five P. M. ~~This~~ It is now 10:15. The attorney for the applicant has been called three times, and fails to respond, and the case will be heard.

ANNIE HARRIS, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Annie Harris.

Q How old are you, Mrs. Harris? A Well, I am pretty old, let's see, I am 68 years old next June.

Q What is your postoffice? A Muskogee.

Q You a citizen of the Cherokee Nation? A Yes, sir.

Q By blood? A By blood, my mother was a Cherokee.

Q Do you know a Cherokee woman by the name of Ann Pinder, did you know her before the war? A I knew her good, she was my mother-in-law

Q You married her son? A I did.

Q Was she living when the war came up? A No, sir, she died about three years before the war came up.

Q Did you know a colored man that she owned by the name of Dan Pinder? A Yes, sir, I knew a colored man that she owned, or her daughter did.

Q Her daughter owned him after she died? A She had him all the time.

Q Susie Pinder? A Yes, sir.

Q Did you know Dan up to the time the war came up? A I did, and I knew Dan and he was right at my house when I run off and went south.

Q You were intimately acquainted with him and the family? A I ought to be when I was her sister in law, and she was in my house; she lived up here, where she lived, right across the river from my house time of the war.

Q Did Dan Pinder have a wife? A He had a wife there at home, one of the colored women.

Q What was her name? A Cindy.

Q He have any children by her? A Just one, a cripple girl.

Q What was her name? A Emily; it was a cripple.

Q Did he have any other children that you know of? A I never heard of any.

Q Did he have a wife by the name of Jane? A Not that I knew of.

Q Never heard of it? A Never heard of it at all.

Q There is an applicant here by the name of Samuel D. Pinder, claims that is his name; do you know him? A No, sir, I don't know him, he is a stranger trying to get in here.

Q You don't know him? A No, sir.

Q You never knew Dan Pinder to have a boy four or five years old when the war came up? A No, sir, don't know anything about it, never heard anything about it, never even heard his wife grumbling about it at all.

Q Never knew him to have a wife named Jane before the war? A Never knew him to have but that one.

Q About how many years had you known him before the war came on?
A About eight or ten.
Q Did you know him after the war? A Daniel, I never saw him after the war, I don't know whether he was living or not, I don't know, he never lived on this side of the river, I lived on the other side.
Commission: You say that Daniel Pinder was married? A He was living with a woman there with his own mistress.
Q What was that woman's name? The one he was living with? A Cindy.
Q She never went by any other name? A None that I know of.
Q You never knew him to have except this one child, Emily?
A That is all; I knew her from a girl and I know that is the only only one she ever had, I knew them good, I was right in the family with them off and on, of course I had a home of my own, but then we were back and forward together.
Q You lived in the same neighborhood? A Yes, just the river was between me and Dan's young mistress.
Q Did this Daniel Pinder ever live with any other woman? A Not that I ever heard of in my life, only just that one wife that he had.

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MALINDA SMITH, appearing before the Commission and being duly sworn and examined, testified as follows:
Mr. Hastings: What is your name? A Malinda Smith.
Q How old are you? A I am about, well I don't know my age exactly, I am past sixty.
Q You are a recognized Cherokee Freedman citizen? A Oh yes sir, I come from the old country.
Q Did you know Dan Pinder before the war, a colored man? A Yes, sir, I know when Mrs. Wilson bought him; well she was a widow when she bought Brother Dan, but then after she bought him she married Arch Wilson.
Q Well her name was Ann Pinder then? A Yes, sir.
Q Well the same Ann Pinder married Wilson before she died? A Yes, sir.
Q They had a colored man by the name of Dan you say? A Yes, sir.
Q Now what was Dan's wife's name? A Cindy.
Q Did he have a child by her? A One.
Q What was her name? A Emily.
Q By Cindy? A Yes, sir.
Q Did he have any children by Cindy? A Well he had one, the one girl.
Q What was her name? A By Cindy, it was Emily.
Q There has been a colored applicant before the Commission by the name of Pemmel Pinder, claims to be a preacher, and he claimed to be 14 years old when the war came on, and he claims to have been a son of this Dan Pinder by a woman named Jane; do you know anything about him? A I don't know anything about him, he never had no wife to my knowing but Cindy.
Q You lived right by him? A I lived close neighbors and I saw him every day.
Q For four or five years before the war came up? A Yes, sir, before then that, but I can't say how long.
Q You never heard of that Pelim? A No, sir, don't know anything about him.
Q Where did you live during the war? A I was living at Webbers Falls.
Q Where just after the war? A Right here in Fort Gibson; when the soldiers went down to the Falls I came up here and was here till the war was ended.
Q Did you ever see this applicant, young Dan Pinder, here after the war? A No, sir, if I did ever see him I didn't know him.

Q You never heard of him before? A No, sir.
Q Do you know old Uncle Billy Baker that lived here? A Yes, sir.
Q Did you know him well? A Yes, sir, used to sell him vegetables.
Q Did you ever see young Sam Pinder around his place after the war?
A No, sir, to my knowing I don't know anything about it.
Commissioner: When did you first learn to know Daniel Pinder?
A Knowed him right where Mr. Nash is living now.
Q About how long was that before the war? A I can't tell you.
Q As much as ten or twelve years before the war? A Yes, sir, longer than that, I was sorter young when I first knew him.
Q How long did he remain here? A He remained here till he died.
Q When was that? A After peace was made.
Q Didn't he ever leave the Cherokee Nation? A No, sir, he never did as I know of, no, sir.
Q And you knew him continuously from the time you first met him until he died? A Yes, sir.
Q Did he ever have a boy with him named Samuel? A No, sir, I never did hear him say anything about any child but Emily.
Q You never heard of him having children by any other women except this Cindy? A No, sir, I never.
Q And he only had one child by her? A Just one child.
Q What was that child's name? A Emily, and she belongs to Mrs. Pinder's daughter, Susie, I saw them every day and I never did know nothing about this man what you all are talking about.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 21st of September, 1901.

Notary Public.
Commissioner

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 21st of September, 1901.

[signature]

~~Notary Public.~~
Commissioner

SEP 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 21, 1901.

In the matter of the application of Samuel D. Pinder for enrollment as a Cherokee Freedman.

Testimony in behalf of Cherokee Nation.

Appearances:
J. F. Faulds, attorney for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

OLIVER WILSON, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Oliver Wilson.
Q What is your age? A 48.
Q What is your postoffice address? A Fort Gibson.
Q Where did you live before the war? A I lived out here on the bayou at Jess McLain's place, called now.
Q Did you know a colored man named Dan Pinder before the war?
A I knowed a colored man before the war named Dan Pinder that used to live here in the bottom somewhere.
Q Do you know anything about an alleged son of his getting burned?
A Well I know something about a son of his getting burned in time of the war down here at the lake.
Q What lake? A Well, it was called Mackey's lake, it was Wilson's lake then, we were running that lake then.
Q Your owners? A Yes, sir.
Q Where was the lake located? A It was located right on the river, we drew the salt water up out of the river.
Q How was he burned? A Well this boy that I knew stepped into a salt kettle and burned his foot.
Q Who was his father? A His father's name was Dan Pinder.
Q That is the same Pinder you have reference to? A Yes, sir.
Q What became of that boy? A That boy died.
Q When did he die? A He died in January, '63.
Q What was his name? A His name was Arch.
Q You know this man here, this applicant? A No, sir, I don't know him.
Q When was the first time you ever saw him? A The first time ever I saw him to know him was in last April, I think he was working here, he was selling glasses, and if he isn't the same man, I never saw him until this term since you been here; I think he was the man selling glasses here last April.
Mr. Faulds: Who was the mother of this Dan Pinder; of this boy?
A Why I never knew his mother.
Q Never knew who his mother was? A No, sir.
Q Did you see him die? A Yes, sir.
Q Did you lay him out? A Yes, sir, didn't see him only laid out but helped to get him in the ground.
Q Did you know Jane Pinder? A No, sir.
Q Don't know how many children she had? A No, sir, don't know her.
Q Well, anyway how many children Dan Pinder had? A No, sir, don't know anything about how many he had, just only knowed the one boy, which was said to be his son.
Q You say so? A I said I was.
Q And you helped to bury him in '63? A Did you say '63; I said in January, '63.
Q You helped to bury him? A Yes, sir.
Q How old were you then? A Well sir, I was just about 8 years old, just going on 9.
Q Going on 11 yet, don't you? A No, I wasn't, I said ten.
Q You were eight years old when the war began, you say you are 48? A I was born in '53.

Q Well then in '63 you would be ten? A Yes, sir.
Q Were you one of the pall bearers? A What is that?
Q Helped carry him to the grave? A Yes, sir.
Q Pretty young to be doing that? A When that boy died, we were down to Skulleyville in the Choctaw Nation, and there was but very few people there and my and my father and my mother and a few other women carried him to the grave and I was with him all the time he was sick; I can tell you more than that; when that boy died his feet rotted off him and dropped off his leg, rotted and dropped off his leg before he was buried.
Q Was that on account of the burn? A No, sir, that was on account of frost-bite, he had typhiod fever and it got down to his feet and his feet rotted off.
Q Where was that boy living then? A At Skulleyville, with us.
Q With his father? A No, sir, his father never was on the place with him, his father belonged to one family and he to another.
Q Who did his father belong to? A I don't know who he belonged t o, he never belonged to Alex Wilson, I belonged to Alex Wilson. When I come to my recollection, Alex Wilson had two boys, one named Bob and one was named Arch, and this Arch was called Uncle Dan Pinder's son, and we all lived together until the war commenced, and when the war commenced we all went to running and traveling around and we were together until this boy died.
Q You don't know how many children Jane Pinder had or how many children Dan Pinder had? A No, sir.
Q Do you know of this Jane Pinder being married to Dan Pinder?
A I told you I don't know Jane Pinder, don't know anything about her.
Q Don't know anything about her? A No, sir, don't know whether she had any children, never heard of her, don't know anything about Jane Pinder.
Q Did you know Ann Pinder? A I didn't know Ann Pinder, Ann Pinder died to my recollection, it was before my recollection, and she had two daughters, Mary and Martha.
Q Are you a citizen? A I don't know whether I am a citizen or not, I was born and raised in the Cherokee Nation.
Q Are you on the 1880 roll? A No, sir.
Q Are you an applicant? A Yes, sir.
Q You were born here in the Cherokee Nation? A Yes, sir.
Q Always lived here? A Yes, sir.
Q It is peculiar you are not on the 1880 roll?
Commission: I don't think that should go in the record.
Q Where were you in '65? A I was in Doakville in the Choctaw Nation.
Commission: Do you want to try his case.
Mr. Hastings: I object to all that.
Mr. Hastings: You say that this boy weare talking about got burned?
A He got burned once in '63, or there in '62 at the lake.
Q How did you say he was burned? A Why I will tell you; we worked there in what we called towers, —
Q Just tell about him getting burned? A He stepped in a salt kettle and burned his foot.
Q That is the boy you have reference to as dying? A Yes, sir.
Mr. Faulds: You don't know that boy's mother at all? A No, sir.
Q Or who his mother was? A No, sir.
Mr. Hastings: Was he older or younger than you? A He was older than I was, he was 17 or 18 years old when he died.
Mr. Faulds: 17 or 18 in '63? A That boy died was.

****

Bruce F. Jones, being duly sworn, says that as stenographer to the Commission in the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce F. Jones

Sworn to and subscribed before me this the 21st of September, 1901.

Robert Fields,
Commissioner.

INDIAN TERRITORY

IN THE UNITED STATES COURT

F. D. 886

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this..... .....
day of.....A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ....., 190.....

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to Daniel Pinder on the 10th day of Oct A. D. 1901 Henry Pack

Subscribed and sworn to before me this 10th October 1901

J. C. Starr
Notary Public.

J. C. Starr

Proof of Service made and original filed with the DAWES COMMISSION.

OCT 10 1901

Proof of Service made and original filed with the DAWES COMMISSION.

OCT 10 1901

NOTICE!

IN THE MATTER OF the application of Daniel Pinder,
for enrollment as Cherokee Freedmen:
Case No. F. D 886.
To Daniel Pinder,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on October 18th, 1901, at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 9, 1901.

L B Bell

W. W. Hastings

Jas. S. Davenport

Attorneys for the Cherokee Nation.

F. D. 886

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this ..... day of .....A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ....day of ....., 190.....

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the.....day of..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.

Oct 10-1901

NOTICE!

IN THE MATTER OF the application of Samuel D. Pinder,
for enrollment as Cherokee Freedmen:
Case No. F. D 886.

To Samuel D. Pinder,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on October 14th, 1901, at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 10th, 1901.

L B Bell

W. M. Hastings
Jas. S. Davenport

Attorneys for the Cherokee Nation.

CF 10886

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 16 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Samuel D. Pinder for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the Cherokee Nation.

Appearances:
J. F. Faulds, attorney for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

Mr. Faulds: I object to the Cherokee Nation putting in any evidence in this case at this time, because they have already heretofore offered evidence in rebuttal at two different times, once at Nowata; three times, twice at Fort Gibson and once at Nowata.

Commissioner: The objection will be noted and the testimony will be heard. Both sides can put in all the testimony they want until we get through.

WILLIAM H. EDWARDS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A William H. Edwards.
Q Where do you live, Mr. Edwards? A Tahlequah now.
Q What is your age? A I am going on 26 years old.
Q Where did you live before going to Tahlequah? A I lived between Snow Creek and Big Creek, nearer Snow Creek.
Q Did you ever live in the neighborhood of Uncle Nelson Murrell and Esau Fox? A I lived in Esau Fox's house, one of his houses.
Q Do you know the applicant, Samuel D. Pinder? A Yes, sir, I know his face, but I don't know him by that name, I know him as S. D. Brown.
Q Well, how long have you been acquainted with him? A Well, I got acquainted with him about February, 1898.
Q Where was he at that time, this Samuel D. Brown that you knew?
A He was living then on Big Creek, he was pastoring Big Creek, Panther Creek and Snow Creek Circuit.
Q Is that the gentleman there by Mr. Faulds that you knew there as Samuel D. Brown? (indicating applicant) A Yes, sir.
Q When did you first know him as Samuel D. Pinder, or did you ever know him as that? A No, sir, I never have knowed him as that.
Q What is your calling? A Minister, preacher.
Q You have charge of a church at any point at present? A I am pastoring Tahlequah station.
Q Do you remember a circumstance, while you knew Samuel D. Brown up here near Esau Fox's place, of the matter coming up in the church with reference to the reported sickness of Samuel D. Brown's mother?
A Why yes, sir, I do.
Q I wish you would tell about what took place with reference to that, about what you know about the transaction coming up in the church.

Mr. Faulds: Was the applicant present at that time?
Mr. Davenport: I suppose he was.
Commissioner: He must have been present of course; must h have been present before the testimony would be acceptable.
Commissioner: Was the applicant, Mr. Pinder, present at the time this conversation took place you are about to relate? A He was present when the circumstance occurred that I am about to relate.
Mr. Davenport: That is what I want you to tell? A Well, he got a letter from his mother, that his mother was sick in Columbus, Ohio, and she written to him, or a telegram, my mind isn't real fresh whether it was a telegram or a letter, but it was one or the other, that she was sick and she wanted him to come at once, that she wanted to see him once more while she was alive; and he went to Brother Fox, I was

living there below him about fifty yards from the house, and got Brother Murrell and several others, I can't mention the other brothers, and called a meeting together.

Mr. Faulds: You were present when this was going on? A I was right there, right over in the yard, of course I went to the church, I was deeply interested in Brother Brown.

Q Did you hear all that? A I went to the church and listened to it with my ears, I couldn't give the conversation if I didn't hear it.

Mr. Davenport: Well, go ahead Mr. Edwards. A So they all went and I went on with them of course, I didn't belong to that church, to arrange matters to raise some money to send him to see his mother, and it was too short a notice, the church it being a circuit and part of the official board being at two other points, they couldn't raise the money through the church, and they decided on it that they would borrow the money and Brother Murrell and Brother Esau Fox went on the note and went to Coffeyville, and I didn't go to Coffeyville where they got the money, but they borrowed the money to give to Brother Brown and he left right away and he was gone something over a month, I don't know how long, and he written back in about five or six days, as well as I remember, a letter to Brother Esau Fox.

Mr. Faulds: Did you see it? A Yes, I read it right behind Esau Fox's house to Thomas Ross and Esau Fox.

Mr. Faulds: The letter is the best evidence: I object to secondary evidence.

A It was Esau Fox's letter and he kept it.

Mr. Davenport: Have you the letter in your possession? A No, sir.

Q Well, what was it? A Well, when he returned home the proposition was made concerning the matter.

Mr. Faulds: Who made the proposition? A The official board and Brother Brown.

Q Was Brown there? A Yes, sir.

Q And you were there? A Yes, sir.

Mr. Davenport: Well, what was that proposition? A That they would let the money raised in the church be paid on the money was borrowed until it was paid back and the pastor would ~~xxxxx~~ receive no money until that money was paid, and they borrowed it on sixty days, as near as I can remember it, but I wont affirm that to be true.

Q Did you have any conversation with the man you knew as Brown but who now goes as Pinder with reference to where his mother was at the time of her death? A Yes, sir.

Q Where did he say she was? A At Columbus, Ohio: said he had a sister living there, I think that was all, just him and one sister.

Q Did you ever have any conversation with him with reference to where he was raised, Samuel E. Brown or Pinder, or whatever his name is? A I went be for sure about that, that he told me anything about that, I don't remember exactly, but I remember him speaking of incidents that occurred in his boyhood days, or when he was a very young man in Columbus, about going to school in Columbus, I wont say he said he was a child then.

Q About how long did you say you knew it has been that he went by the name of Pinder? A Been just two years now.

Q Have you had any conversation with him since he was named Pinder as to the reason why he was going by the name of Pinder, and if so, state about when that was and what the conversation was? A I haven't had no conversation with him since he went by the name of Pinder.

Q Did you ever talk to him before he went by that name with reference to that he was going by that name; if so, state about when it was? A Well I don't just remember, I don't remember now I don't believe at present.

Q Do you know whether or not he was an applicant for citizenship when this circumstance of his mother's death came up there in the church? A No, sir, I never heard nothing about it.

Q When did you first learn that he was an applicant for citizenship? A That was at Fort Gibson about a couple of months ago, or maybe

longer, the first time the commission was at Fort Gibson.
Q Did you have any conversation with the applicant at that time with reference to his citizenship, or anything? A No,,sir, I never met him.
Mr. Ewalds: How old are you? A Will be 26 years old the 2nd of next September.
Q How long have you been a preacher? A 5 years.
Q Started to preach when you were 21? A I was entering into my 21st year, in March before I was 21.
Q What had you been doing before that? A Been farming and teaching school.
Q Whereabouts? A Texas, and Chickasaw Nation.
Q Where did you go from Texas? I came over from Texas a little over four years ago, four years past this last August.
Q Ran away from there, I suppose? A No, sir.
Q What were you doing down there in Texas? A I was farming, taught school a while.
Q Well, you were accused of a crime down there?, A Never was in my life, never was arrested and never paid a fine and never was on a witness stand.
Q Before this; this the first time you were ever on the witness stand? A Yes, sir.
Q Now you were in the church, you say, when Pinder was there and Esau Fox and this man Murrell; what is Murrell's first name? A Nelson.
Q Nelson Murrell? A Yes, sir.
Q And these two men and Pinder were there, were they? A They were.
Q Anybody else there? A Well, they gathered several people there, I don't know just now, there was several members, something like eight or ten I reckon.
Q What were you doing there? A Why I taken part in all the services nearly that Brother Brown had there.
Q Did you preach there? A Yes, I preached every time in the church, also led the singing choir, I led it all the year for him.
Q How many times did you preach there? A I don't remember how many times I preached there.
Q Preach there a dozen times? A Something like three or four times.
Q That is all? A Yes, sir.
Q Living up there now? A No, sir.
Q Where a re you living now? A I am pastor in the church at Tahlequah.
Q You don't claim to be a citizen here? A No, sir.
Q Now what did you hear this man Esau Fox say in reference to this meeting, what did you hear him say? A Well I don't remember really just what he said.
Q Do you remember xxx what Brown said? A I remember some of the words, as I said a while ago, that he would let his salary, collect his salary to go to refund the money back until the money was paid.
Q Now was that all you heard him say? A No, sir.
Q What else did he say? A He also said he would xxx get $50 missionary money and that if it wasn't paid by then he would pay it out of that.
Q Was thatall he said? A Well, that isn't all he said, he said several things.
Q Well, was that all he said at the meeting? A I don't just remember if that was all.
Q Well, do you remember anything else that he said that you heard, Brown? A I don't remember anything else.
Q You don't remember anything else that he said except as to where he would get the money to pay back? A Yes, sir, how the paying back would come about.
Q That is all you can remember that you heard him say? A That is all.
Q What day of the week was that? A I don't remember, it has been

over two years, I can't remember just what day of the week it was.
Q And you have never thought of this circumstance until when, I suppose, here a few weeks ago? A I thought of the circumstance when Nelse Lowrey was speaking of his Uncle Nelson's testimony that he gave in Preacher Brown's case he said, and I asked him what Preacher Brown, and he said from Big Creek, and I told him I knew Brother Brown.
Q Now Nelse Lowrey went to see you, did he? A No, sir.
Q Where did you see Nelse Lowrey? A I saw him in Tahlequah.
Q You mean Nelse Lowrey that is employed by the Cherokee Nation to look evidence for the Cherokee Nation? A Yes, sir.
Q He got to talking to you about this thing? A He wasn't talking to me, he wasn't saying a word to me, he was talking to other people in there at Mr. Frank Pack's restaurant, and I heard what he said and I just mentioned what I knew about it.
Q Don't talk too much, just answer the question; you said you have told us everything that you remember that was said by Pinder or Brown; now I want you to tell me what you remember Murrell and Fox having said on these occasions? A I remember that they said, both of them, that they didn't have the money themselves, but they could go upon a note and borrow it, and they did so.
Q Now do you remember anything else they said? A I don't remember.
Q Now you don't remember anything else they said? A No, sir.
Q Do you remember anything else that anybody else said? A No, sir, I don't remember; these other things they might have said wasn't direct to that subject and I didn't pay no attention to it,
Q And Pinder; you say there were two meetings, were there, of these meetings? A There was only one meeting called at the church.
Q That you were there? A And he came to Brother Fox to see Brother Fox.
Q Were you there when he came to see Fox? A I was right down below the fence right below the house..
Q Did you hear what was said? A I didn't hear what was said there.
Q All you heard you heard at the church at that meeting? A Heard at the church, I came on up there, if I make no mistake, that Brother Brown I believe went after Brother Murrell and I and Uncle Tom came up to Uncle Esau's and he told us the serious thing that had happened to Brother Brown's mother, and then I went up to the church with him.
Q What I am asking you is, I want to know were you present when this matter of raising the money was discussed; now that is a simple question, you can answer it in a few words, you was at the church?
A I think it is the church is all I remember.
Q The only place the church, that you ever heard Brown say anything about money? A I think that is.
Q And that is all that you ever heard him say as what you have told us here a moment ago? A Yes, sir.
Q Then you never heard him say anything about his mother or where she was? A I heard him say something about his mother, yes, sir.
Q Oh, you are going back on your statement; where did he make that statement? A He made that statement there, but mother and money is different.
Q You told me a moment ago that all you could remember as to what this man Pinder said is what you have related? A You said about the money.
Q About anything I said; well what do you remember now, state it?
A Do you want me to state the whole subject over again? xxxx
Q I want you to state what you heard this man here say? A I heard him say that he had got a letter from his mother and that she was sick, written for him and wanted to see him before she died, and he wanted the church to help him to get there, and they got together and made the arrangements to borrow the money, and when he borrowed the money he left, whether he went to Columbus, Ohio, I don't know; he writing

a letter to Esau Fox from Ohio.

Q And you saw that letter? A And I saw the letter.

Q And did you see the letter which purported to come from his mother in Ohio? A Yes, sir, I did, the one Esau Fox had.

Commissioner: He is talking about the letter that Brown's mother wrote to him, Brown? A No, sir, I did 't see that.

Mr. Faulds: You didn't see that letter? A No, sir.

Q Now this statement that you have just given as being said by t his men Brown was said in the church, you say? A Yes, sir.

Q It was said there in the church? A Yes, sir, in a called official board meeting.

Q And you have described what was said? A Yes, sir.

Q Then you are going back on the statement which you made here a short time ago when you said all you could remember, you related all you could remember as having been said by Brown and you said nothing about his mother being mentioned by him; you are going back on that sworn statement of yours here a moment ago, aren't you, changing?

A I am going to stand by what I last told you and what I first told you, but when you asked me what was said about the money of course I said yes, that was all.

Q Now you said he wanted money to send to his mother? A To go to Mi see his mother.

Q And he made all these statements at the same time? A Yes, sir.

Q And then you now state there was nothing said in regard to getting the money or money at all? A (No response).

Q Where was that contract made by Murrell and Fox to get this money, where was it made? A The contract I suppose was made at the church, the conversation was all had there, and the agreement was made, but where the contract between themselves about the money was made I don't know, the agreement was for them to go and get the money and how much each one was to go on the note I don't know.

Q Did they make an agreement at the church to go to Coffeyville and borrow this money? A They made an agreement to borrow the money, I don't think I ever had Coffeyville in it.

Q What? A They made an agreement that they would borrow the money.

Q And they made that agreement at the church there? A Yes, sir.

Q In your presence? A Yes, sir.

Q And in your hearing? A They did.

Q How much money were they to borrow? A It was $20 I believe.

Q Sure of that now? A I think that was the first that Brother Brown asked for, $20 to help him go, and he could go for that.

Q Now you know how much money he got? A No, sir.

Q You see him get any money? A No, sir, I didn't see him get any money.

Q You didn't lend him any money? A No, sir.

Q Were you a member of the board? A No, sir.

Q Well, what were you doing there? A Anybody can go in the Methodist Official Board Meeting.

Q Nothing private or secret about it? A Methodists never have nothing secret.

Q No, everything done openly, isn't it? A Yes, sir, it is, I have got the discipline to show him if he wants it.

Q You remember what month this was in, this time matter you spoke of? A I don't remember just exactly what month it was.

Q What month was it now? A I don't remember, I never thought any more about it, until right here recently.

Q Never thought any more about it until recently, did you? A No, sir.

Q Never entered your mind from that time until just recently?

A Just passed in my mind.

Q What do you mean by recently? A Right here the last about three weeks ago.

Q About three weeks ago was the first time that you ever thought

of it? A No, sir, it wasn't three weeks ago, it was three months ago I reckon, when the Commission first sat to take the Freedman roll.

Q That is the first time you ever thought of it after it occurred?

A Maybe it was a month after they had set or commenced.

Q And you pretend now to give the exact language and words of Pinder or Brown? A As near as my memory.

Q Do you remember the exact words that he used?

Commissioner: He says he has given them as near as his memory.

Q Did Brown produce any letters there that you say? A No, sir, he didn't produce any letter at the church that I saw.

Q He produced no letter at all? A I don't remember whether it was a letter or telegram.

Q Which do you think itwas? A I don't really know.

Q You never saw it? A No, sir, I never seen it, I never saw the letter that came from his mother, I saw the letter that he written back.

Q Can you remember, I want you to try to think if you can remember the month in which this occurred? A No, sir, I really don't remember the month.

Q Was it in the fall or spring or summer or winter? A If it was spring it was the last of the spring and if it was fall it must have been the first of the fall, because it was in warm weather, I remember it was warm weather.

Q That is all you now? A Yes, sir.

Q Might have been on a real warm day in the middle of winter?

A No, sir, that winter was freezing all winter.

Q Did you have a personal conversation with Brown at that time?

A I don't remember that I had a personal conversation, words passed among all of us but I don't remember that we had any special conversation between us, I know we didn't.

Q You never thought of anything that was said at that time until here about three weeks ago when you heard Nelse Lowrey? A No, it was three months ago I reckon.

Q I say until three months ago, you never thought of it from the time it occurred until three months ago and you heard Nelse Lowrey talking about this man's mother being in Ohio, that is the first time you ever thought of it? A Yes, sir, they were Diving -

Q Answer me the question? A Yes, that is the first time it ever came to my mind.

Q And you have been thinking it over and over ever since? A No, sir, I never thought over it any more until Friday morning.

Q Mr. Pinder wantsme to ask you if you know whether or not, if you know of your own knowledge that Murrell and Fox borrowed this money and paid it to Brown; do you know that of your own knowledge?

A I didn't see them give the money to him, but I know only what they said.

Q We don't want that; you didn't see the money paid, you didn't see the money borrowed?

Commissioner: He has testified that two or three times.

Commissioner: You state that this note was signed by Murrell and Fox? A Yes, sir.

Q How do you know it was signed by them? A Fox said they went on it.

Q You never saw the note? A No, sir, I never saw the note.

Commissioner: This testimony will be filed with the original papers.

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[illegible] sworn, says that as stenographer to the [illegible] and [illegible] be correctly reported the proceedings [illegible] above case, and the foregoing is a true and complete [illegible] his stenographic notes thereof.

Sworn to and subscribed before me this 15th day of October, 1921.

Commissioner.

EFFORTLESSLY OPTIMIZED
AVAILABLE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 29 1901
Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 16th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Samuel D, Pinder, C. F. D. 886.

Appearances:
James S. Davenport for the Cherokee Nation.
J. F. Faulds attorney for the applicant.

JESS RILEY being first duly sworn, before Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)
Q What is your name? A Jess Riley.
Q Where do you live? A I live about five miles north west of Chelsea.
Q How long have you lived in the locality? A I have lived there about 21 years.
Q Chelsea is in the Cherokee Nation? A Yes sir.
QHow old are you? A 44.
Q Are you acquainted with the applicant in this case, who applied under the name of Samuel D. Pinder? A No sir, I am not acquainted with him that is with the Pinder part of it.
Q Are you acquainted with the applicant, that man sitting over there? A Yes sir.
Q How long have you been acquainted with him? A Three years.
Q What is his vocation in that community? A Minister.
Q Has he ever been in charge of any church work in your locality? A Yes sir
Q What name have you known him by? A He always goes as S. B. Brown.
Q Has he charge of any circuit up there? A Yes sir the Elliot and Big Creek circuit.
Q How long has he been in charge of it? A 3 years ago he took it.
Q Methodist preacher? A Yes sir.
Q Do you remember a circumstance some two years ago about a question coming up about raising some funds to send Mr. Brown to see some of his sick folks? A Yes sir.
Q Are you an officer of the church? A Class leader, trustee and Steward.
Q As Steward, what do you know about this money business? A —
By Mr. Faulds: " I object to the form of the question, I submit that he ought to be asked only about what Pinder said to him about it "
(By Davenport of the witness)
Q What was said about this matter by Pinder, or what do you know about it, just state it in your own way, you can do it better that way? A There wasn't anything done right then in regard to it in our appointment, there was talking about raising some money, I dont know nothing much about it more than the applicant come down to see about getting some money fro the purpose of going to see his mother.
(By the Commission)
Q Was this a talk that the applicant had with you? A Yes sir and he said he wanted the church to raise some money for him so that he could go and see his mother, and I told him that I didn't think there was any money in the treasury then as he had been down there a few sundays before that to his regular appointment and had taken all the money we had on hand with him .
(By Davenport)
Q What did he say his mother, as to where his mother, or did he say anything as to where his mother was living at that time , the time that he came to see about raising money for him to go to see her or any thing about it that you might have heard him say? A In Ohio somewhere.
Q After that at any time did you have any communication from Mr. Brown as to whether his mother was dead or alive? A Yes sir I got a letter from him.
Q Have you that letter in your possession? A No sir.
Q Do you remember in substance what the letter said as to that? A No sir, I dont guess I can say what all was in the letter.
Q Do you know what he said as to his mother, in that letter.

(By Faulds)

" I object as to what the letter contained until they prove that the letter is lost or destroyed "

(By the Commission) The objection will be noted.

(By Davenport)

Q What did he say in that letter? A He written in regard to himself first, and stated about the death of his mother and then talked about the church.

Q Where was that letter written from, where was it postmarked, what city, place or state or do you know? A I think it was Columbus Ohio, I think, I am not certain; I know it was Ohio, but I am not certain that it was Columbus.

(By Faulds)

Q Who all were present when you had this conversation with Mr. Pinder? A Just myself, wife and family, because he just come there to see about getting up the money.

Q How far did you live from this church that he was pastor of at that time? A Three quarters of a mile, in the community.

Q He was pastor of that church at that time? A Yes sir, he was the pastor of the Elliott and Big Creek circuit, there were several churches in the circuit.

Q What time of the year was that? A Some time in March.

Q How long after he had this conversation with you was it before he went away? A He left there, left my place the next day, he said he couldn't stay any longer and that he would go up in the other part of the appointment and see if he could get the money and that if he could not get it that way in time that he would have to borrow it and that we could make it right when he returned.

Q When he spoke to you about this, did he say he was going to see his mother or his mother in law? A No sir his own mother.

Q Are those the exact words he used? A No sir.

Q What are the exact words he used? A Said he was going to see his mother.

Q Well, will you undertake to swear that he didn't say his mother in law? A Yes sir.

Q Will you undertake to swear that he didn't mean his mother in law? A No sir I will not.

Q Well, he went away? A Yes sir.

Q When did you see him here again? A After he came back.

Q How long? A I think on the second Sunday of each month was his regular appointment at our church there, and I think it was the last of April or the first of May before he got back to our appointment down there.

Q Did you take any part in the raising of any money for him? A No sir not before he left I didn't.

Q How long after he went down to see you about this money before he started for Ohio? A How long?

Q Yes sir? A I cant exactly tell that because he went back to the upper part of the work and then I didn.t know his whereabouts, and the next I knew he was gone.

Q How come you to be here to day? A I dont know, it is sort of a mystery to me; I guess because my sister testified at Nowata is the reason.

Q What was her name? A Delila Johnson.

Q Who asked you to come here to testify? A Nobody until I got a subpoena.

Q Did Delila Johnson ask you to come here and testify? A No sir she didn't.

BY MR. DAVENPORT: To put your mind at rest I will state that I myself got all the officers of that church that knew anything about it to come and testify.

GEORGE B. DUFFIN, being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A George B. Duffin.

(By Faulds)
Q Have you ever been convicted of anything? A No sir.
(By Davenport)
Q How old are you? A About 40
Q Where do you live? A On Big creek.
Q What is your post office? A Eunice.
Q How long have you lived on Big creek? A 35 years.
Q Were you living there in '88? A Yes sir.
Q Did you ever live in what is known as the Elliott and Big creek Circuit? A Yes sir.
Q Do you know this applicant sitting there? A Yes sir.
Q Do you know him as S. D. Pinder? A No sir.
Q What name do you know him by? A S. D. Brown.
Q How long have you known him? A Two years.
Q You knew that man sitting there as S. D. Brown? A Yes sir he is our pastor.
Q Do you remember the time when some one of Brown's family was sick and the question of raising some money for him to go to see that came up? A Yes sir.
Q Do you remember seeing Brown or any of the Church officers there with reference to getting this money ? A I saw brother Andrew Thompson, one of our Stewards, is all.
Q Did you learn from brother Brown anything about it? A No sir, brother Andrew came to my house and said—
(By the Commission)
Q. Was Brown present? A No sir.
(By Davenport)
Q Well, after you received information concerning brother Brown's family being sick, did you hear anything from Brother Brown direct? A Yes sir
Q With reference to his family? A I heard that some of the brethren had got a letter from Brother Brown.
Q Did you get one or not yourself? A Seems to me I did.
Q Where did that letter come from, where was it mailed? A I can't remember the state exactly.
Q Have you that letter now? A No sir.
Q Do you remember the contents as to what that letter said as to his family? A As well as I remember the letter stated that it was his mother.
Q What did it say as to his mother? A That his mother had deceased.
(By Faulds)
Q Did you see the letter yourself with your own eyes? A Yes sir.
Q Is your eyesight good? A I can write.
Q Can you read? A Yes sir.
Q Read well? A If it ain't in Greek or Latin I can read it.
Q You are positive that you saw this letter? A Yes sir.
(By the Commission)
Q How many letters did you get from him? A I can't say—do you mean from the north? Presence.
~~Q How many?~~ Q Yes sir? A One or two.
Q Directed to you? A Yes sir.
(By Faulds)
Q Was it one or was it two? A One that I know of, there may have been two.
Q You only remember one of them for certain? A Yes sir, one that I know of.
Q Where is that letter now? A I don't know, I don't know what has become of it; it may be at home, or maybe destroyed; I get so many letters that I can't keep the run of them all.
Q Did you look for it before you came here? A No sir.
Q If you looked for it good you might find it? A I have found old letters by looking for them, yes sir I might.

MR FAULDS: I move that this testimony be stricken out for the -

reason that the Cherokee Nation has not proved that the letter is destroyed or that search even has been made for it.

BY THE COMMISSION: The witness has not sworn to anything that was in the letter.

(By Faulds of witness)
Q Don't you swear to anything that is in that letter? (No response)
(By the Commission)
Q You dont know what was in this letter from Brother Brown do you? A Yes sir.
Q Do you hold any official position in the church? A Yes sir local preacher and Stewart.
Q Do you know anything about the raising of money for the purpose of sending Brown to see his mother? A Only what brother Andrew Thompson said.
Q You never had any talk with Pinder about it? A No sir.

JERRY RILEY, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A Jerry Riley
Q Where do you live? A Near Chelsea, four and a half miles north of there.
Q How long have you lived there? A Ever since '79
Q Was you there in '89? A Yes sir.
Q Do you know the applicant sitting over there? A Yes sir
Q What name do you know him by? A S. D. Brown.
Q He is a preacher up there in your community? A Yes sir.
Q Do you remember a circumstance, a year or two ago, about a question of money being raised to let brother Brown go to see his mother? A I heard a rumor—
(By Faulds) * I object to what he heard.
Q Do you know anything about the raising of that money? A No sir only not in our appointment I dont.
Q In any of the other appointments? A No sir not myself I dont.
Q Well, after you heard that rumor, did you hear from Brown as to the condition of his family? A You mean while he was here?
Q Either here or while he was away. A I heard of him after he was away.
Q Did you see any letters? A Only a card I got from him.
Q Where is that card? A Destroyed a week after I got it, I guess.
Q Was your house burned down? A No sir but we never keep letters very long and I guess it was destroyed.
Q You haven't it now? A No sir.
Q Well what did he say in that card? A I cant say.
Q Where was that card written from? A Ohio somewhere.
Q You dont know what it said as to any of his family being dead or anything about it? A No sir.
Q That was a short time after you heard of the raising of that money? A Yes sir.

JESSIE RILEY re-called by the applicant's attorney for further cross-examination:
(By Mr. Faulds)
Q Did you tell the applicant here in Vinita a day or so ago that you had a letter which you received from him while he was in the North? A Yes sir.
Q Where is that letter? A I dont know.
Q Didn't you tell him that you had it at home than? A No sir I didn't.
(By Davenport)
Q You simply told him that you had received a letter from him? A Yes sir

SAMUEL D. PINDER, the applicant, being first duly sworn testified as follows on his own behalf:

(By Mr. Faulds)
Q You are the applicant in this case? A Yes sir.
Q What have you got to say in reference to this testimony that has been put in here; did you have a mother living in Ohio two years ago who died there? A No sir, and I would like to make an explination of it, when the woman came into Nowata, that Delila Johnson, the judge asked me the question if I had told that woman the things that she swore to and I denied it, and I deny it yet. This woman that these people are talking about was a woman that while I staid in Ohio I had by her daughter two children, the mother of these two children died and their grand mother rasied these two children, and about the time they refer to here about my going to Ohio--I mean to say like this, the children always called her mother and I got to calling her mother when I spkoe of her, and when I wanted to go there when she was sick I spoke of her as my mother; the reason I had for holding this business back was that I thought it would be best not to talk about it and I wasn't going to say anything about it if I could get round it. I had no mother in Ohio, she died when I was 7 or 8 years old, right here in this Territory.
Q Were you married to this woman by whom you had those two children? A No sir.
Q Was that the reason of your timidity of mentioning this matter? A Yes sir.
Q You are a minister? A Yes sir.
(By the Commission)
Q As I understand you, you always called this woman mother? A Yes sir.
Q And then when you told these people that you wanted to get money to see your mother, you didn't indicate that it was your natural mother or that it was not? A No sir I didn't say either way.
Q This woman in Ohio was very close to you in regard to your natural feelings toward her? A Yes sir she was.
(By Davenport)
Q You had a church meeting close to Esau Fox's in regard to your taking the name of Pinder didn't you? A No sir.
Q Didn't you state to Nelson Murrell and others that you wanted to go to Ohio to see your mother? A No sir I dont think I said anything to them about it.
Q Didn't you state to Nelson Mur rell and Esau Fox and others at a protective meeting which was held up,there for the purpose of getting you on the roll, that you would take the name of Pinder, which was the name of a family that had lived about Fort Gibson and were all dead? A No sir there was no such meeting held.
Q Didn't you in a church meeting tell them that you wanted to go to Ohio to see anyone? A Yes sir.
Q Did you call that person mother then? A I told them that it was a very close friend of mine.
Q You never told Esau Fox or Nelson Murrell that you wanted to go to Ohio to see your mother who was dying? A I told you why I called her mother , and if I said it that was the reason.
Q When did you first talk about going by the name of Pinder? A I have always gone by that name, that was my father's name.
Q When did you go by it? A All the time.
Q Haven't you always been known and introduced to your Christian brothers as S. D. Brown? A Yes sir.
Q Why? A The reason of it was, my mother was named that, she once belonged to the Browns, and my father and mother were never married in slave times you know they just took up with one another as they wanted to and didn't change their names, some called my mother Pinder, Ann Pinder and some called her Brown ; I never lived with my father any but always was with my mother until she died and was always called Brown.
Q When you made your original application did you explain that your name was Pinder but that you had always gone by the name of Brown? A No sir.

Q How did it happen that you did not mention it then? A No one called for an explaination and every one there knew me by Brown.
Q None knew you by Pinder then? A Yes sir people had known my name, but those people up there had only known me for two or three years.
Q Where had you been before that, in charge of a circuit somewhere? A Yes sir.
Q Where was that circuit? A In Oklahoma.
Q What part of Oklahoma? A Oklahoma City.
Q Was you known there as B. D. Brown or Pinder? A I was known as Brown.
Q Had you been in charge of a circuit before that? A Yes sir.
Q Where? A In Texas.
Q What point in Texas? A Houston.
Q Had you been known there among your congregation and Christian brothers as Pinder or Brown? A As Brown
Q Where did you go from to Texas? A Iowa.
Q How were you known there? A As Brown.
Q Where did you come from there? A Tennessee.
Q How were you known in Tennessee? A As Brown.
Q Where did you go from to Tennessee? A Ohio.
Q What place in Ohio? A Xenia a little place close to Columbus.
Q How far from there? A 8 or 9 miles? A No sir sixty.
Q How were you known there? A As Brown.
Q You wrote those letters that these witnesses have sworn about? A I written them, yes sir.
(By the Commission)
Q Your father's name was Pinder? A Yes sir.
Q And though you had always gone by the name of Brown, you though you ought to go by your father's name when you enrolled? A Yes sir.
(By Davenport)
Q That was discussed in a meeting on Big Creek about you taking the name of Pinder, the name of a family who had died our in Fort Gibson? A At what meeting?
Q One of the Freedmen's Protective meetings, did you ever attend one of these meetings? A Yes sir, but that matters was not discussed.
Q Didn't you and Nelson Murrell and Emau Fox and W. H. Edmonds and others in such a meeting decide that you would take the name of Pinder? A No sir.
(By Faulds)
Q When did you leave this country to go to Ohio? A I left here t he latter part of March.
Q When did you come back in May or June.
Q What was the name of that man who testified here in this case some time ago? Edmonds I believe.
Q Do you remember of him saying that this meeting occurred in the summer time? A In warm weather I heard him say.
Q And you say you left in March? A Yes sir, and further were there was snow on the ground when I left.
(By Davenport)
Q What part of March did you leave? A On the 20th.
Q And you swear that there was snow on the ground on the 20th of March two years ago? A Yessir and I can prove it.
Q Jess Riley was about right when he said you left the second Sunday in March and came back in May? A I got back all right.
Q And you are here yet? A Yes sir and expect to stay.

BY MR. DAVENPORT: The Cherokee Nation desire to hereby give notice to the applicant and his attorney that on Monday the 20th of this month more testimony will be taken in his case.

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Chas. von Weise being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full,

all the proceedings in the above cause, and [illegible] full, true and correct transcript of the [illegible]

[illegible] and seal, to hereto be this the 16th of [illegible] 1911.

C. A. [illegible]

[illegible]

COMMISSION

FILED

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ACTING CHAIRMAN.

Supl.C.F.-D.#686.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 22d, 1901.

SUPPLEMENTAL TESTIMONY introduced on behalf of the Cherokee Nation in the matter of the enrollment of Samuel D. Pinder as a Cherokee Freedman:

APPEARANCES:
Mr. J. F. Faulds, Atterney for applicant;
Mr. J. S. Davenport, of counsel for Cherokee Nation.

JULIUS CURLS, beging duly sworn, testified as follows on part of the Cherokee Nation:

Q MR. DAVENPORT: What is your name? A Julius Curls.
Q Where do you live, Mr. Curls? A Near Chelsea.
Q How long have you lived in that locality there? A Ever since about '81.
Q Are you acquainted with a Minister who is a colored man out there in your neighborhood by the name of Samuel D. Brown? A Yes, sir.
Q How long have you known him? A About two or two and a half years.
Q Has he been in charge of a circuit out there in your country? A Yes, sir.
Q Did you know hi m in 1899, early part of the year, about two years ago? A Yes, I knew him about that time.
Q Do you remember a circumstance of his going before the churchs, about his mother being sick and wanting to raise some money to go back to see her in Ohio? A Yes, sir.
Q I wish you would tell about what you know about that; that is, what took place with reference to about any funds being raised or what Brown said? A I ain't certain that I heard him say anything, but i t seems like I did but I ain't certain.
Q well, was any effort made to raise any money? A It was the discussion to raise the money and afterwards-

Mr. Faulds: I object to the question.

Commission: Let him answer the question.

A I am only certain i t was a discussion before the officials, I ain't certain whether it came before the assembly or not.
Q Well, after that discussion did brown go away? A Yes, sir.
Q While he was away did you have any letters, or correspondence with Brown relating to his mother? A Yes, sir.
Q I wish you would examine that letter and see if that is the letter you received from Brown (Showing letter to witness)? A Well I feel pretty certain it is, though it has been about two years since I noticed the contents of the letter, but I feel certain that is the letter.
Q During that time where has the letter been? A It has been there at home.
Q At your house? A Yes, sir.

Mr. Davenport: The representatives of the Cherokee Nation offer in evidence a letter dated at Hilliards, Ohio, April 13th, 1899, addressed to J. Curls, and signed by S. D. Brown.

Q Did you ever know him by any other name than S. D. Brown, Mr. Curls? A Not until here of late.
Q When did you first learn he was going by any other name, or claim to have any other name, about how long ago? A About two or three months ago.
Q About the time he made application to the commission? A I think it came before that.

Q Been going all the time by Brown on his work there had he?
A So far as I know.
Q Did this G. H. Brown, that went away, come back to that work after you got the letter from him? A Yes, sir.
Q Have you seen him since you came over here this time?
A Yes, sir.
Q He was here yesterday wasn't he? A Yes, sir.

(Mr. Faulds waives examination.)

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the five dictated notes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 29th, 1921.

Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

In the matter of the application for the enrollment of Samuel D. Pinder as a Cherokee Freedman.

Cherokee F. D. 886.

Brief for the Cherokee Nation.

No greater fraud has ever been called to our attention than the applicant in this case. A careful review of his own testimony it seems to us is of itself sufficient to have justified the Commission in denyinghis application which was done on April 20th 1904.

It will be noted that although he was born in 1857 he had no knowledge whatever of any of his mothers people nor did he have any knowledge of the members of the family to whom his mother belonged; he did not know where they lived; he did not know the kind of a farm; he did not know whether they had any children or not; he did not know whether any of them were living and although an educated man he claims to have lived in the Cherokee Nation all of his life yet he never before made application to any authority to be enrolled as a citizen of the Cherokee Nation? How canthatbe accounted for? If he were a slave or a descendant of a slave and entitled to Cherokee Citizenship, Does it look reasonable that he would permit all of these payments to pass by without even presenting his claim to be enrolled. He gives no reasonable explanation of this.

Again he gives no reasonable explanation of where he was the first few years after the war; his statement wanders and although a strenuous attempt was made to get him to locate himself somewhere definitely it was impossible.

He introduced Luster Foreman, a noted colored standing witness to whom we have had occasion to call the Departments attention even a number of times and of course Luster was willing to swear almost anything and he testified that some boys mother died along about the time the small pox was raging but he was unable to identify the applicant as being that boy.. Now here is another peculiar thing--Luster Foreman took the stand for a great number of Freedmen applicants and swore that he was in Fort Gibson the first few years immediately after the war and subsequent to that time he was at various places over the Cherokee Nation yet according to his own testimony he never saw this boy from the close of the war until 1901 a period of some thrity-six years or more. This does not corroborrate the boys statement or his subsequent proof wherein he attempts to locate himself at Fort Gibson.

The next witness he calls is the celebrated L. D. Daniels who usually nnerves himself up for nearly every emergency and the Department is well aware that the famous L. D. Daniels claims to have been at Fort Gibson the first few years after the war and assisted in issuing rations but even Daniels doesnot see the applicant until he made his application er until 1899

Allen Lynch was the next witness called by the applicant and he only knew him as he claims for twenty-four or twenty-five years. He knew him for a short time and then he never knew him until about the year before his application.

Now this testimony is sufficient to show this applicant is a fraud but the record shows that during the proceedings, one Lila Johnson who was in the audience being amazed at the statement of this fraudulent applicant came forth and testified that she knew the applicant; that he was a preacher of the Methodist church; that he claimed to be born and reared in Ohio where his mother resided and that money was asked for in order that he might return to Ohio to see his mother who was not expected to live and of this there can be no doubt because a number of witnesses took the stand and corroborrated Lila Johnson later, among them being Julius Curls, Jesse Riley; George B. Duffin; and Jerry Riley who testified to about the same as Lila Johnson enlarging however upon her statement and

going more into detail and for the first time it is disclosed that the applicant was not known by the name of Pinder but was known by the name of Brown by which name the applicant was known until the enrollment began Every one of these witnesses testify that Brown the applicant claims to have come from Ohio but that he claimed his mother was living there and that he was very much in need of means to go back to visit his mother. Now this applicant gives no rational explanation of this circumstance; he attempts to explain it by saying this woman was his mother in law But you will note that during the first part of his statements in answer to Lila Johnson he denies ever asking money to go back to Ohio at all but after the statement of Lila Johnson is corroborrated by a number of the other members of his church then for the first time he was forced to the explanation that this was his mother in law.

Again it will be noted that earlier alongin the testimony this same applicant claimed that he had never been married yet in order to explain these contradictions later on he claims to have been married and that the woman was not his mother but his mother in law who had charge of his children ; he makes no explanation of his change of name. He attempts to explain it by saying that his mother belonged to some people by the name of Brown but his first testimony clearly and flatly contradicts this statement because he does not know anything about his mothers owners and the alleged owner of this fraudulent applicant for citizenship was said to have belonged to Ann Pinder and there is not one line of testimony throughout this entire case to show that the wife of Dan Pinder ever belonged to a family by the name of Brown.

The testimony was taken at various times in this case and among others the applicant resorted to the testimony of the disreputable prostitute Polly (Ross) Rivens so thoroughly well known to the members of the Commission, and no doubt by this time to the Department, as being wholly unreliable and she was proven so in the Adaline Hampton case. She attempts to say she knew Mrs Pinder who had a small boy and that while lying in bed he was badly burned and that his mother died at Mackeys lick and that his mother was the wife of Dan Pinder and among her other contradictions she says when the war closed this applicant was about twelve years old and that his mothers name was Susie Pinder; we see that the applicants attorney had not coached her well enough and she was determined upon saying that applicants mother was named Susie and she testified that Ann Pinder her alleged owner was alive when the war came up whereas the testimony of reliable witnesses is to the fact that xxxxx she was dead some time prior to the war.

Of course the story concocted about the applicant being burned was one gotten up between themselves; he told his witnesses that he had a scar upon his leg and for them to swear that he was burned and in that way identify him. Of course this was a very artfuly dodge of the applicant but it will be noted that the witness Polly Rivens kept contending that the applicants mother was Susie until she was turned back to the applicants attorney for a final redirect examination when he coached her enough by his questions to make her understand what she was to say.

The next witness introduced was Joe Bruner whom was shown by the examination of Mr Faulds to be entirely unworthy of belief. The next witness introduced in behalf of the applicant was Pompey Thompson. Now Pompey Thompson lived at Braggs, only a short distance below Ft Gibson and although this applicant and some of his witnesses swore that he lived in and about Fort Gibson for the first few years after the war Pompey Thompson swears that he never saw him after the emanicpation at all until the day upon which he made his application. Upon cross examination he admitted that the applicant had told him who his mother was and he had previously given her name but that he did not tell him who his father was and he admitted that he did not know but sayz he only knew those things which had been told him.

As above remarked this case is certainly the most fraudulent one ever attempted to be admittedinto the Cherokee Nation.

Upon the other hand the Cherokee Nation introduced in addition to the witnesses herein above already stated John Thompson who is a reputable recognized citizen of the Cherokee Nation who testified that he livedbelow Fort Gibson prior to the war (About twelve miles) that he did not know the applicant except that he had heard him called by the name of Parson Brown; he did however know Daniel Pinder and knew him before the war and he swears positively that Daniel Pinders wife was named Cynthia and that Daniel and Cynthia lived until after the war and had only one child whose name was Emma and he swears positively that the applicant was not a son of Daniel Pinder.

Another witness introduced in behalf of the Cherokee Nation was Oliver Wilson who was an older man than John Thompson, giving his age as forty-eight years and post office Fort Gibson; he knew Daniel Pinder before the war and he also knew the son which the said Daniel Pinder had before the war and he knew his name was Arch; that Arch had gotten his foot burned but that this boy died before the war and that he was present and assisted at his burial and he swears positively that he never saw this man, the applicant, until some time the year before when he was selling glasses.

Annie Harris is also colored and testified in behalf of the Cherokee Nation; she gave her age as sixty-eight years and her post office address as Muskogee; and she stated that the Ann Pinder mentioned as the alleged owner of the mother of the applicant was witnesses mother in law and she says that the said Ann Pinder died about three years before the war. She also knew Daniel Pinder and that Daniel Pinder's wife was named Cindy which cirroborrates the other testimony introduced on part of the Cherokee Nation. She testifiespositively that they had one child who was a cripple by the name of Emily and she swears positively that she does not know the applicant and that Daniel Pinder never had a wife by the name of Jane before the war and that she knew him some eight or ten years before the war which would of course been before the birth of this fraudulent applicant.

The next witness Malinda Smith------, an old lady knew Daniel Pinder before the war he was her brother and she testifies that Daniel Pinders wife was named Cindy and they had one child whose name was emily and she swears positively that she did not know anything at all about the applicant although she lived close by her brother Dan and saw him every day and she testifies after that she knew Billy Baker and the war, with whom applicant claims to have lived that she sold him at Fort Gibson but that she never saw the applicant.

The truth of the matter is this fraudulent applicant never saw Fort Gibson until a year or two ago after he left Ohio where he went by the name of Brown and that he made a trip to Fort Gibson recently prior to taking his testimony for the purpose of selling glasses as some of the witnesses stated.

William H. Edwards was also called to the stand and he corroborrates what Lila Johnson said and the other officers of the church said about his having been born in Ohio and about the name he had assumed and what he had told them of his previous history.

Upon the other hand throughout all of this volumnious testimony no reputable witness takes the stand to testify for this applicant, Luster Foreman did not see him after the war until about the time he came to enroll. L. D. Daniels went back on him after he took the stand and had only known him about twenty-six years--Allen Lynch saw him a short time about twenty-four years ago and then lost track of him until the enrollment commenced while Joe Bruner is the only one who attempts to stand by him in addition to Polly Rivens and both have been thoroughly discredited and neither gave a reasonable account of this man whereas on the other hand a number of witness including John Thompson, Oliver Wilson, Annia Harris, Malinda Smith and others who are reputable and honest and who grew up in the vicinity of Fort Gibson emphatically deny that Daniel Pinder had a wife by the name of Jane; they deny that the applicant is a son of Daniel Pinderand the older ones say that while he had a son whose feet was burned that he was dead and that it was his foot and not a place above his knee.

Again we desire to call attention to the fact that this man always went by the name of Samuel D. Brown and he gives no explanation whatever of this and attention is also especially invited to the fact that he had never theretofore made application to be enrolled as a citizen of the Cherokee Nation and we say that the testimony in addition to his own incoherent statements is sufficient to brand him a fraud and to justify the Commission in denying his application.

We submit that the application of this the chief of frauds should be denied and the Commissions decision should be affirmed.

Respectfully,
Bell, Hastings & Davenport,

By J C Starr
Attorneys for the Cherokee Nation.

IN THE DEPARTMENT OF THE INTERIOR.

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In re)
Application of Samuel D. Pinder :
for enrollment as a freedman)
citizen of the Cherokee Nation. :

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REPLY BRIEF FOR APPLICANT

Taking up the brief of Nation in order I beg to call attention to the facts of the case and to show wherein they fail to bear out the assertions of the said brief.

It is not very strange that a negro boy kicked about from pillar to post, as was this boy, should not have a very definite personal knowledge as to who his parents were. Being the child of slave parents it would, under the circumstances, be remarkable if he did personally know these facts. It is not indispensable by any means that he should have heretofore made application for citizenship, and yet he was not asked why he did not make application.

It is not strange that the witness himself can not remember exactly his whereabouts just after the war when he was a very small boy, nor is it necessary that he should do so since he has produced witnesses to that fact who personally know the facts.

If Master Foreman swore to things in this case which are contradicted by his testimony in other cases, as asserted by the Nation, then it would have been a very simple matter to have impeached him by laying the proper foundation for the same while he was on the stand, and by offering in evidence in this case the contradictory evidence he is said to have given in other cases. Since this was no done, we must assume, nowithstanding the assertions in the brief, that no such contradictory evidence exists.

The same is true of the assertions as to L. D. Daniels. Not only are the witnesses entitled to the protection which the

rules of evidence afford in impeachment proceedings, but the applicant's rights must not be hazarded by a mere assertion of the Nation that a witness testified to the contrary in another case. Rules of evidence are based on common sense and justice at least, and it should not be necessary for me to more than merely cite them in this connection.

So many misstatements are made in the brief as to the testimony of the witnesses named in the next paragraph of the brief that any one reading the record must be convinced of the lameness of the Nation's case which requires resort to such misstatements.

There is not a line of testimony anywhere tending to show that applicant was ever married. His silence as to his relation with the woman in Ohio is explained by the fact that he lived with her without being married to her and had children by her.

By what authority the attorneys for the Nation speak of Polly Nivens as "the disreputable prostitute," I do not know. I do not know that she is the same Polly Nivens who was "proven so in the Adaline Hampton case." I do not know that there is an Adaline Hampton case, that Polly Nivens testified there, nor that this is the same Polly Nivens. There is not a line in the record which undertakes to impeach her veracity, morality, virtue, or which calls her "Polly (Rose) Nivens." Certainly the Department will not allow such efforts as these to break down the testimony of the witnesses produced by the applicant. No such efforts would be countenanced in any judicial tribunal. An effort to do so before a reputable court would be most severely censured and the attorney arguing a case in any court before a jury, using any such testimony as are here used, would be immediately reprimanded to desist.

If "the story concocted about the applicant being burned was one gotten up between themselves," then it was a very clever trap also, for the attorney for the Nation fell into it head over heels. No effort was made by the applicant to exhibit

his leg and the scar. The attorney for the Nation caused that exhibit to be made.

This brings us to the "upon the other hand" of the Nation's brief, when from its view of the case we strike the only witness whom may be believed. John Thompson testified that Daniel Pinder had but one wife. We have never claimed that the mother of this applicant was the lawful wife of Daniel Pinder. Such a status is not necessary under the decisions, but this witness says Daniel Pinder only had one child, a girl, where_as the next witness of the Nation, also worthy of belief because the Nation's witness, swears positively that the same Daniel Pinder had a son named Arch. Quoting from the Nation's brief:

> He knew Daniel Pinder before the war and he also knew the son which the said Daniel Pinder had before the war, and he knew his name was Arch; that Arch had gotten his foot burned but that this boy died before the war and that he was present and assisted at his burial.

Annie Harris also says Daniel Pinder did not have a wife by the nname of Jane. As was said, it is not necessary for Jane and Daniel to be married in order that this applicant may be entitled to enrollment.

"The next witness, Melinda Smith" "lived close by her brother Dan and saw him every day," yet she lived at Webbers Falls fifteen miles from Ann Pinder's. The testimony of the Nation's witnesses is inconsistent. If the applicant's witnesses contradicted each other in their testimony as did the witnesses for the Nation, we would abandon this case.

It reminds one of the story of the defense made by the owner of a vicious dog which, it was charged, had bitten a man. The owner said, first, that the dog was kept securely chained; second, that the dog was very gentle; third, that the dog had no teeth; and fourth, that he had no dog at all.

The Nation asserts that Dan Pinder's son was named Arch; second, that he was burned in the foot instead of on the leg; third, that this son died before the war; and fourth that Dan Pinder had no son at all.

I, therefore, respectfully submit that the applicant is entitled to enrollment.

Respectfully submitted,

Anthony White

Attorney for Applicant.

IN THE DEPARTMENT OF THE INTERIOR.

In re)
Application of Samuel D. Fleter :
for enrollment as a Cherokee)
freedman. :

BRIEF FOR APPLICANT

The only question of importance in this case is one of fact merely, as to whether or not the applicant was a slave of a Cherokee citizen, or the descendant of a slave. The evidence is uncontradicted that he was born in the Cherokee Nation about the year 1857 and resided there continuously until the year 1879. From 1879 until 1882 he was attending school out of the Nation. He began his professional work as a Minister of the Gospel in the year 1882 and from that time until 1888 was in many places, spending a short time in each place. Since 1888 he has continued to reside in the Cherokee Nation. Under this testimony there can be no question as to his residence in the Nation within the limits prescribed by the Dawes, nor can it be doubted that he has forfeited any rights of citizenship by abandonment thereof.

Mr. Isaac Brown also testified to the fact that applicant is the son of Dorcas Fleter, deceased, who was the slave of Ann Fleter, a Cherokee citizen. Some of these witnesses are impeached and we submit that they have not been successfully contradicted. The names of the witnesses and their testimony on this point is briefly as follows.

The applicant, who has always understood that his mother died shortly after 1860 at Mackey's Lick and that his father was named Dan Fleter.

Lucinda Stevens, who remembers the death of the mother Dorcas at Mackey's Lick and who remembers the boy Samuel both at

this time and later in 1866 at Fort Gibson.

Allen Lynch, to whom applicant said as early as 1876 that he had lived in Fort Gibson in 1866.

Polly Nivens, who says that applicant's father, Daniel Pinder, and mother Jane were both owned by Ann Pinder, and who saw applicant in 1866 in bed at Mackey's Lick suffering from burns and who saw him again at the garrison at Fort Gibson in 1866. She remembers the death of his mother as above stated and also the death of the father, which occurred after the war. She remembers the burning of the applicant and that the mother was known by three names, Jane, Susie and Shorty.

Joe Brunler, who knew applicant at Fort Gibson as the child of Jane and Daniel and remembers the death of the mother at the salt lick at about the close of the war. He also saw the boy in 1866 and again in 1873 on Big Creek. This witness says that applicant's mother Jane lived in with Ann Pinder in 1858 and was owned by her, and this is not denied by any witness for the Cherokee Nation. This witness also remembers the death of the mother in 1865.

Pompey Thompson knew the applicant in the Cherokee Nation during the war and knew that the mother Jane was the slave of Ann Pinder. He remembers the boy's leg to have been burned at the salt lick.

While it is scarcely possible that these witness could all be mistaken, yet the physical fact in evidence conclusively identifies him as the individual mentioned. When requested by the attorneys for the Nation to exhibit his person he did so and exposed a scar on his leg. If this testimony on behalf of the applicant had been manufactured for the occasion, certainly the applicant would have offered to exhibit himself; but this he did not do until called upon by the attorney for the Nation, who evidently expected at that time that the applicant's body would not show any scar. In the midst of contradicted evidence often offered

these physical facts appear, which are safe and certain guides to the truth.

Opposed to the above testimony the Cherokee Nation offered the following testimony:

Lila Johnson, who said that the church of which applicant was then pastor "made up money" to send him to Ohio where he then said his mother lived; that applicant said his mother was sick and he wanted to go see her; and that later he said to witness that his mother was died. She also said that applicant told her he was born and raised in Ohio. This testimony is flatly contradicted by the applicant, who denies every bit of the same, except that he did go to Ohio at about that time. It is also contradicted by Esau Fox and Nelson Murrell, officers of the church, who say that no money was collected for this purpose, but that they personal loaned the applicant money upon which to make the trip, which applicant afterwards repaid to them and that at this time applicant did not tell them that his mother lived in Ohio. Esau Fox testified that applicant told him that both his parents died in the Cherokee Nation.

W. H. Edwards, Jess Riley, George B. Duffin, Jerry Riley and Julius Curls all testified to statements made by applicant to them, which more or less definitely purport to indicate that he had a mother living in Ohio or some woman whom he called mother and that she died there. The effect of all of this testimony is explained very satisfactorily by applicant, who says that while going to school in Ohio he had two children by the daughter of this woman in Ohio; that the daughter died and that her mother, the woman in question, raised the children; that the children called this woman "mother" and that witness got into the habit of speaking to her and of her as mother." This is a very simply explanation of the whole matter.

Certain testimony of the Cherokee Nation relating to Daniel Pinder, the father of applicant is as follows:

John Thompson knew that Daniel Pinder had a wife Cynthia

and one child Emily, who died. He knew Dan for four or five years and never heard him mention the applicant. This witness gives no dates, but is shown to have been but 8 or 9 years old in 1865, and that Dan was at that time 40 or 50 years of age. So far as this witness knows Dan may have had a dozen children born before witness can remember, or even before he was born.

Annie Harris, who is the daughter-in-law of Ann Pinder, says Ann Pinder died in 1858; that Dan was the slave of Ann and that after the war Ann's daughter Susie owned him. She knew that Dan had a wife Cyndie and one child Emily, but never heard of any other children and did not know applicant's mother Jane. She knew Dan 8 or 10 years before the war, but never saw him after the war. So far as this witness is concerned there is nothing to show that she knew all of the slaves owned by Ann Pinder.

Malinda Smith knew Dan for four or five years before the war and while she knew Dan, Cynthia and Emily she did not know of any other wife and children. She does not undertake, however, to say that Jane may not have been the slave of Ann.

Both of these witnesses, Annie Harris and Malinda Smith, are flatly contradicted, in so far as their testimony purports to prove that Dan had no other children, by another witness of the Cherokee Nation. Oliver Wilson, who testified on behalf of the Nation, said that he knew Dan before the war and that he had a son who died in 1863 and that at this time this son was 17 or 18 years old. This witness was ten years old at the time and has a very vivid recollection of the cause of death, the death and burial of the son of Dan.

Summing up the evidence, therefore, we find that six witness, all of whom so far as we know are entitled to credit, testified to the fact within their personal knowledge that applicant's father was Daniel Pinder, and that his mother was named Jane. That he was severely burned in 1863, that his mother died about that time and Polly Rivens remembers that Uncle Dan took the boy to her mothers, where he was kept for a short time. There

is no mistake in identity, as the applicant still bears the scar resulting from this burn.

The witnesses for the Nation never heard that applicant's father, Daniel, had any child except a girl Emily, and they are flatly contradicted by witness Oliver Wilson, who testified on behalf of the Nation, to a son of Daniel who died at about the age of 17 or 18 in the year 1863. If the witnesses for the Nation are mistaken as to the birth of one son, certainly they may be mistaken, and very likely are, as to the birth of another son.

We hardly think the applicant will be denied the right of enrollment because he used the word "mother" in speaking of the grandmother of his children by nature, especially in the light of the explanation that the mother of these children was dead and that the children called her "mother" and that he naturally fell into that habit.

Nor is there any difficulty in the fact that applicant was sometimes known as Brown and sometimes known as Pinder. His explanation of that is perfectly reasonable, namely, that his mother was at one time owned by a family named Brown and was often called Brown; therefore, he went by both names, Brown and Pinder. In all slave holding communities this seeming contradiction is common. No doubt, the Department has encountered it time and again in handling these cases.

It is respectfully submitted, therefore, that the applicant has made out his case unquestionably by six uncontradicted witnesses who testified as to the exact facts within their knowledge, whereas the testimony of the Nation is either contradicted by their own witnesses or is susceptible of the simplest explanation, and that this applicant should be enrolled.

Respectfully,

Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

In the matter of the application for the enrollment of Samuel D. Pinder as a Cherokee Freedman.

Cherokee F. D. 886.

Brief for the Cherokee Nation.

No greater fraud has ever been called to our attention than the applicant in this case. A careful review of his own testimony it seems to us is of itself sufficient to have justified the Commission in denyinghis application which was done on April 20th 1904.

It will be noted that although he was born in 1857 he had no knowledge whatever of any of his mothers people nor did he have any knowledge of the members of the family to whom his mother belonged; he did not know where they lived; he did not know the kind of a farm; he did not know whether they had any children or not; he did not know whether any of them were living and although an educated man he claims to have lived in the Cherokee Nation all of his life yet he never before made application to any authority to be enrolled as a citizen of the Cherokee Nation? How canthatbe accounted for? If he were a slave or a descendant of a slave and entitled to Cherokee Citizenship, Does it look reasonable that he would permit all of these payments to pass by without even presenting his claim to be enrolled. He gives no reasonable explanation of this.

Again he gives no reasonable explanation of where he was the first few years after the war; his statement wanders and although a strenuous attempt was made to get him to locate himself somewhere definitely it was impossible.

He introduced Luster Foreman, a noted colored standing witness to whom we have had occasion to call the Departments attention even a number of times and of course Luster was willing to swear almost anything and he testified that some boys mother died along about the time the small pox was raging but he was unable to identify the applicant as being that boy.. Now here is another peculiar thing--Luster Foreman took the stand for a great number of Freedmen applicants and swore that he was in Fort Gibson the first few years immediately after the war and subsequent to that time he was at various places over the Cherokee Nation yet according to his own testimony he never saw this boy from the close of the war until 1901 a period of some thrity-six years or more. This does not corroborrate the boys statement or his subsequent proof wherein he attempts to locate himself at Fort Gibson.

The next witness he calls is the celebrated L. D. Daniels who usually nerves himself up for nearly every emergency and the Department is well aware that the famous L. D. Daniels claims to have been at Fort Gibson the first few years after the war and assisted in issuing rations but even Daniels doesnot see the applicant until he made his application or until 1899

Allen Lynch was the next witness called by the applicant and he only knew him as he claims for twenty-four or twenty-five years. He knew him for a short time and then he never knew him until about the year before his application.

Now this testimony is sufficient to shew this applicant is a fraud but the record shows that during the proceedings, one Lila Johnson who was in the audience being amazed at the statement of this fraudulent applicant came forth and testified that she knew the applicant; that he was a preacher of the Methodist church; that he claimed to be born and reared in Ohio where his mother resided and that money was asked for in order that he might return to Ohio to see his mother who was not expected to live and of this there can be no doubt because a number of witnesses took the stand and corroborrated Lila Johnson later, among them being Julius Curls, Jesse Riley; George B. Duffin; and Jerry Riley who testified to about the same as Lila Johnson enlarging however upon her statement and

going more into detail and for the first time it is disclosed that the applicant was not known by the name of Pinder but was known by the name of Brown by which name the applicant was known until the enrollment began Every one of these witnesses testify that Brown the applicant claims to have come from Ohio but that he claimed his mother was living there and that he was very much in need of means to go back to visit his mother. Now this applicant gives no rational explanation of this circumstance; he attempts to explain it by saying this woman was his mother in law But you will note that during the first part of his statements in answer to Lila Johnson he denies ever asking money to go back to Ohio at all but after the statement of Lila Johnson is corroborrated by a number of the other members of his church then for the first time he was forced to the explanation that this was his mother in law.

Again it will be noted that earlier alongin the testimony this same applicant claimed that he had never been married yet in order to explain these contradictions later on he claims to have been married and that the woman was not his mother but his mother in law who had charge of his children ; he makes no explanation of his change of name. He attempts to explain it by saying that his mother belonged to some people by the name of Brown but his first testimony clearly and flatly contradicts this statement because he does not know anything about his mothers owners and the alleged owner of this fraudulent applicant for citizenship was said to have belonged to Ann Pinder and there is not one line of testimony throughout this entire case to show that the wife of Dan Pinder ever belonged to a family by the name of Brown.

The testimony was taken at various times in this case and among others the applicant resorted to the testimony of the disreputable prostitute Polly (Ross) Nivens so thoroughly well known to the members of the Commission, and no doubt by this time to the Department, as being wholly unreliable and she was proven so in the Adaline Hampton case. She attempts to say she knew Mrs Pinder who had a small boy and that while lying in bed he was badly burned and that his mother died at Mackeys lick and that his mother was the wife of Dan Pinder and among her other contradictions she says when the war closed this applicant was about twelve years old and that his mothers name was Susie Pinder; we see that the applicants attorney had not coached her well enough and she was determined upon saying that applicants mother was named Susie and she testified that Ann Pinder her alleged owner was alive when the war came up whereas the testimony of reliable witnesses is to the fact that xxxxx she was dead some time prior to the war.

Of course the story concocted about the applicant being burned was one gotten up between themselves; he told his witnesses that he had a scar upon his leg and for them to swear that he was burned and in that way identify him. Of course this was a very artfuly dodge of the applicant but it will be noted that the witness Polly Nivens kept contending that the applicants mother was Susie until she was turned back to the applicants attorney for a final redirect examination when he coached her enough by his questions to make her understand what she was to say.

The next witness introduced was Joe Bruner whom was shown by the examination of Mr Faulds to be entirely unworthy of belief. The next witness introduced in behalf of the applicant was Pompey Thompson. New Pompey Thompson lived at Braggs, only a short distance below Ft Gibson and although this applicant and some of his witnesses swore that he lived in and about Fort Gibson for the first few years after the war Pompey Thompson swears that he never saw him after the emanicpation at all until the day upon which he made his application.? Upon cross examination he admitted that the applicant had told him who his mother was and he had previously given her name but that he did not tell him who his father was and he admitted that he did not know but says he only knew these things which had been told him.

As above remarked this case is certainly the most fraudulent one ever attempted to be admittedinto the Cherokee Nation.

Upon the other hand the Cherokee Nation introduced in addition to the witnesses herein above already stated John Thompson who is a reputable recognized citizen of the Cherokee Nation who testified that he livedbelow Fort Gibson prior to the war 9About twelve miles) that he did not know the applicant except that he had heard him called by the name of Parson Brown; he did however know Daniel Pinder and knew him before the war and he swears positively that Daniel Pinders wife was named Cynthia and that Daniel and Cynthia lived until after the war and had only one child whose name was Emma and he swears positively that the applicant was not a son

Another witness introduced in behalf of the Cherokee Nation was Oliver Wilson who was an older man than John Thompson, giving his age as forty-eight years and post office Fort Gibson; he knew Daniel Pinder before the war and he also knew the son which the said Daniel Pinder had before the war and he knew his name was Arch; that Arch had gotten his foot burned but that this boy died before the war and that he was present and assisted at his burial and he swears positively that he never saw this man, the applicant, until some time the year before when he was selling glasses.

Annie Harris is also colored and testified in behalf of the Cherokee Nation; she gave her age as sixty-eight years and her post office address as Muskogee; and she stated that the Ann Pinder mentioned as the alleged owner of the mother of the applicant was witnesses mother in law and she says that the said Ann Pinder died about three years before the war. She also knew Daniel Pinder and that Daniel Pinder's wife was named Cindy which corroborates the other testimony introduced on part of the Cherokee Nation. She testifiespositively that they had one child who was a cripple by the name of Emily and she swears positively that she does not know the applicant and that Daniel Pinder never had a wife by the name of Jane before the war and that she knew him some eight or ten years before the war which would of course been before the birth of this fraudulent applicant.

The next witness Malinda Smith------, an old lady knew Daniel Pinder before the war he was her brother and she testifies that Daniel Pinders wife was named Cindy and they had one child whose name was emily and she swears positively that she did not know anything at all about the applicant although she lived close by her brother Dan and saw him every day and she testifies after that she knew Billy Baker and the war, with whom applicant claims to have lived that she sold him at Fort Gibson but that she never saw the applicant.

The truth of the matter is this fraudulent applicant never saw Fort Gibson until a year or two ago after he left Ohio where he went by the name of Brown and that he made a trip to Fort Gibson recently prior to taking his testimony for the purpose of selling glasses as some of the witnesses stated.

Willliam H. Edwards was also called to the stand and he corroborrates what Lila Johnson said and the other officers of the church said about his having been born in Ohio and about the name he had assumed and what he had told them of his previous history.

Upon the other hand throughout all of this voluminous testimony no reputable witness takes the stand to testify for this applicant. Luster Foreman did not see him after the war until about the time he came to enroll. L. D. Daniels went back on him after he took the stand and had only known him about twenty-six years--Allen Lynch saw him a short time about twenty-four years ago and then lost track of him until the enrollment commenced while Joe Bruner is the only one who attempts to stand by him in addition to Polly Nivens and both have been thoroughly discredited and neither gave a reasonable account of this man whereas on the other hand a number of witness including John Thompson, Oliver Wilson, Annia Harris, Malinda Smith and others who are reputable and honest and who grew up in the vicinity of Fort Gibson emphatically deny that Daniel Pinder had a wife by the name of Jane; they deny that the applicant is a son of Daniel Pinderand the older ones say that while he had a son whose foot was burned that he was dead and that it was his foot and not a place above his knee.

Again we desire to call attention to the fact that this man always went by the name of Samuel D. Brown and he gives no explanation whatever of this and attention is also especially invited to the fact that he had never theretofore made application to be enrolled as a citizen of the Cherokee Nation and we say that the testimony in addition to his own incoherent statements is sufficient to brand him a fraud and to justify the Commission in denying his application.

We submit that the application of this the chief of frauds should be denied and the Commissions decision should be affirmed.

Respectfully,
Bell, Hastings & Davenport,
By J C Starr
Attorneys for the Cherokee Nation.

Hartop

Cherokee Freedmen D 886.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

E.M.

In the matter of the application for the enrollment of Samuel D. Pinder as a Cherokee freedman.

D E C I S I O N.

The record herein shows that on June 26, 1901, Samuel D. Pinder appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself as a Cherokee freedman. Further proceedings were had in the matter of said application on September 18, 20 and 21, 1901, at Fort Gibson, Indian Territory, and on October 14, 16 and 22, 1901, at Vinita, Indian Territory.

The applicant claims that his name is Samuel D. Pinder; that he was a slave of Ann Pinder, a Cherokee citizen at the commencement of the war of the rebellion, and that during said war he remainddd in the Cherokee Nation and was residing therein in 1866.

The evidence shows that the applicant was not a slave of Ann Pinder at any time, and that he is not the person he represents himself to be in this application. The evidence does not show that said applicant was a slave of a Cherokee citizen or that he was a free colored person residing in the Cherokee Nation at the commencement of the war of the rebellion. His name is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of Samuel D. Pinder for enrollment as a Cherokee freedman should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)
Chairman.

(SIGNED)
Commissioner.

(SIGNED)
Commissioner.

Dated at Muskogee, I.T.

this _____.

Commissioner.

Cherokee Freedman
D-886.

In the matter of the application for the enrollment of Samuel D. Pinder as a Cherokee freedman.

1 Copy of Brief of the applicant.

DEPARTMENT OF THE INTERIOR,

BEFORE THE HONORABLE SECRETARY .

Cherokee Freedman D 386.

In the matter of the application of Samuel D. Pinder for enrollment as a Cherokee Freedman.	))))	B R I E F .

Attorney_ for the Applicant.

RECORD.

The record in this case shows that on June 26, 1901, Samuel D. Pinder appeared before the Commission to the Five Civilized Tribes at Nowata, Indian Territory, and made application for the enrollment of himself as a Cherokee Freedman. Further proceedings were had in the matter of said application on September 18, 20 and 21, 1901, at Fort Gibson, Indian Territory, and on October 14, 16 and 22, 1901, at Vinita, Indian Territory. On April 20, 1904, the Commission rendered a decision rejecting the application for enrollment as a Cherokee freedman and transmitted the decision, with the record of proceedings had in the case, to the Secretary of the Interior for his review and decision.

To the decision of the Commission the applicant takes exception and claims right to enrollment as a Cherokee freedman. In support of his claim he respectfully submits herewith his brief and argument.

STATEMENT.

It is the applicant's contention that he was born in 1857 in Illinois District, Cherokee Nation, Indian Territory; that his father's name was Daniel Pinder, whose name, from an examination of the Cherokee Roll of 1880, appears thereon, in Illinois District, and his mother's Jane Pinder; that he and his parents were the slaves of a Cherokee citizen of the name of Ann Pinder; that at one time the applicant's mother was owned by people of the name of Brown and she often went by that name, the applicant, during his early years, being for the most part in his mother's care was known both as Pinder and Brown; that when the applicant was a small boy his one of his legs was accidentally burned; that in 1865 his mother, Jane Pinder, died of small pox at a point called Mackey's Lick, in the Cherokee Nation; that after his mother's death the applicant went to Fort Gibson, Indian Territory, where he made his home at the garrison with an old man named Uncle Billy Baker, who owned and lived on the place; that the applicant remained there during the remainder of the war of the rebellion and for four years after the close of the war; that for a period of nine months after leaving Fort Gibson he worked for a party living

near Chetopa, Kansas, and during the remainder of the time until 1879 he worked for different parties in the Cherokee Nation; that during the year 1879 he left the Cherokee Nation and within a year or so entered school at Xenia, Ohio, where he prepared for the ministry; that after completing his schooling he entered the ministry, taking up missionary work and going from place to place; that he returned to the Cherokee Nation in 1886, where he is now engaged ~~in the~~ ministry as a missionary preacher and having quite an extensive circuit; that the applicant's father died at Fort Gibson, Indian Territory, in 1885.

In this case we find the Cherokee Nation seeking to maintain two irreconcilable positions:

~~First: That Daniel Pinder's only child was a girl by a wife~~ of the name of Cynthia Pinder; and that he did not have a wife of the name of Jane.

Second: That Daniel Pinder had one son, but that this son died during the year 1863.

BRIEF AND ARGUMENT.

The statement of the applicant that he was born in Illinois District, Cherokee Nation, Indian Territory, in the year 1857 stands uncontradicted. All witnesses are agreed that there was such a person as Daniel Pinder, who the applicant claims was his father, and that he was the slave of Ann Pinder, a citizen by Cherokee blood. No witness denies absolutely that Daniel Pinder had a wife of the name of Jane, nor does anyone deny that Daniel Pinder had a son named Samuel D. Pinder by Jane Pinder; and that all of these people were the slaves of a Cherokee citizen.

The only witnesses whose testimony tends in any way to dispute the statement that the applicant is the son of Daniel and Jane Pinder are:

John Thompson	p.6 of the testimony taken at Ft. Gibson, Sept.	18-
Annie Harris : Malinda Smith	pp.1-3 " " " " " "	20-
Oliver Wilson	pp.1&2 " " " " " "	21-

The testimony of these four witnesses is simply negative, and does not go to prove or disprove a single thing. At no time do they state that they know Daniel Pinder did not have a wife named Jane, or that he did not have a son named Samuel D. Pinder.

Their statements take this form:

"Q. Did he (Daniel Pinder) have a wife of the name of Jane?
"A. Not that I know of. Q. Never heard of it? A. Never heard
"of it at all. Q. There is an applicant here by the name of
"Samuel D. Pinder, claims that is his name, do you know him?
"A. No, sir, I don't know him, he is a stray trying to get in
"here."

(p.1 of the testimony of Annie Harris, 9/20/'01.)

The testimony just quoted not only shows the animus of the witness, but it comes as near as does the testimony of any of the witnesses to disproving the claim of the applicant that he is the son of Daniel and Jane Pinder. The testimony is purely negative, and should have little or no weight before any tribunal. In fact it does not arise to the dignity of evidence. Undoubtedly the Cherokee Nation could have produced scores of witnesses who would swear they did not know Jane Pinder or the applicant; but that would prove nothing nor would it tend to contradict the testimony of the applicant's witnesses. It is apparent that the Cherokee Nation failed wholly to disprove the applicant's claim as above set forth.

In support of his claim that Daniel Pinder had a wife of the name of Jane, and that the applicant is the son of these two persons, the applicant introduced the following witnesses. It is not claimed on his behalf that the testimony of any one of these witnesses wholly and absolutely proves the applicant's contention; but it is maintained that all their testimony taken together proves beyond a doubt the contention of the applicant as to his parentage.

Luster Foreman: While at Mackey's Lick making salt, saw and learned to know Jane Pinder; she had a boy named Samuel, whose father was said to be Daniel Pinder; afterwards saw this same boy at the garrison; the mother died in 1865 of small pox at Mackey's Lick; Daniel and Jane Pinder and the applicant were the slaves of Ann Pinder, a Cherokee.
(p.4 testimony of Luster Foreman, taken at Nowata, Ind. Ter., 6/26/1901.)

Polly Nivens: Knew Daniel and Jane Pinder and the applicant, Samuel D. Pinder, before the war; they were the slaves of Ann Pinder, a Cherokee; saw them at Mackey's Lick; recalled the incident of the applicant's being burned on one of his legs; saw the applicant at the garrison, where he was helping Uncle Bill Baker; saw the applicant in Fort Gibson at the garrison in 1866; knew of the mother, Jane Pinder, dying at the time of the war of the rebellion.
(pp.1-5, testimony of Polly Nivens, taken at Fort Gibson, 9/18/1901.)

Joe Bruner: Knew Daniel and Jane Pinder before the war, and saw the applicant with them; saw applicant again in 1866 at the garrison in Fort Gibson, where he was at work helping Uncle Bill Baker; saw him (the applicant) again in 1873- this time with Dick Whitmire; knew that the mother, Jane Pinder, died in 1865 of small pox; that all three of these people were the slaves of Ann Pinder, a Cherokee.
(pp.3-5, testimony of Joe Bruner taken at Fort Gibson, 9/18/1901.)

Pompey Thompson: Knew Jane Pinder before the war of the rebellion; saw her with her child at the Salt Lick; Jane was the slave of Ann Pinder, a Cherokee; at the time the accident occured heard of the applicants being burned.
(pp.5 & 6, testimony of Pompey Thompson, taken at Fort Gibson, 9/18/1901.)

Here is the undisputed testimony of four witnesses who knew Daniel and Jane Pinder and who saw the applicant before, during and after the war of the rebellion. By their testimony he may be traced from his infancy to the year 1873. Simple but striking incidents are brought to light by their testimony, and by these incidents the witnesses are enabled to fix in their memories certain dates and facts.

In their simple, careless mode of living these people keep no record of events and are able to recall them mainly by associating contemporaneous occurrences, simple though those occurrences may be.

As an instance of this we find in the testimony of these witnesses frequent references to the accidental burning of one of the legs of the applicant when he was a small lad. Finally the representatives of the Cherokee Nation objected to the testimony relating to this injury unless he would show whether there were any evidences of the injury he was alleged to have suffered. Thereupon the "applicant raises his trousers and drawers and shows his leg where there is a scar, just above the knee."

(p.9 testimony of Samuel D. Pinder, taken at Fort Gibson, 9/18/1901.)

This is only a link in the chain of circumstances, but it goes to make up a chain so strong that the Cherokee Nation did not succeed in weakening any part of it.

The representatives of the Cherokee Nation then sought to overcome or get around this incident of the accidental burning of this boy, and in so doing rescinded their former position that Daniel Pinder had no male children. They placed on the witness stand a man named Oliver Wilson, who testified to having been well acquainted with Daniel Pinder before the war; that he knew Daniel Pinder had a son; but that he did not know whether Daniel Pinder had a wife named Jane or whether he had any children other than the boy he knew; that the son with whom he was acquainted burned his foot by stepping into a salt kettle; that afterwards, in 1863, this boy died; that "when that boy died his feet rotted off him and dropped off his leg, rotted and dropped off his leg before he was buried." "Q. Was that on account of the burn? A. No, sir, "that was on account of frost-bite, he had typhoid fever and it got down "to his feet and his feet rotted off."

(p.2 testimony of Oliver Wilson, taken at Fort Gibson, 9/21/1901.)

By such testimony the Cherokee Nation sought to dispose of this application for enrollment.

The Cherokee Nation first took the position that Daniel Pinder did not have a wife named Jane, and that he did not have a son.

Then when it discovered that the evidence is overwhelmingly against that contention the Cherokee Nation endeavored to shift its position and undertook to show that Daniel Pinder did have a son, but that this son died. The one position can not be reconciled with the other. They have failed utterly to establish the first contention. The witness, by whose testimony the Nation endeavored to establish the second contention, testified that he did not know Jane Pinder nor how many children Daniel Pinder had. The testimony of this witness is almost too frivolous to merit serious consideration, and that portion of his evidence by which he attempts to finally and effectually dispose of Daniel Pinder's son, who was accidentally burned, is, to say the least, very flimsy.

The applicant, Samuel D. Pinder, is, in intelligence, above the average freedman. He accounts in a clear, straightforward manner for all of his time from his infancy to the time of closing the hearing in his application for citizenship. There is no showing or attempt to show that he abjured his citizenship rights or abandoned his residence in Indian Territory. He has always claimed residence in the Cherokee Nation, and resided in that nation continuously from the date of his birth until 1879. The time he was out of Indian Territory was spent either in attending school or performing his duties as a missionary minister. Since his return to the Cherokee Nation in 1886 he has continuously resided in said nation and is still employed there in a ministerial capacity.

The last proposition on which the representatives of the Cherokee Nation center their forces is, perhaps, the weakest sought to be proven by them. It is a mere make-shift, and evidences the desperate straights they were in and the means to which they apparently felt themselves compelled to resort in an effort to defeat the well proven case of the

applicant. We refer now to the attempt on the part of the Cherokee Nation to prove that the applicant's mother lived in the State of Ohio as late as the year 1899 and that she died in that state about that year.

There is abundant and undisputed evidence to prove that the applicant's mother was named Jane Pinder and that she died in the Cherokee Nation during the year 1865. The representatives of the Cherokee Nation attempted to show that sometime about the year 1899 the applicant reported to certain of his acquaintances in the Cherokee Nation that he had received word of the serious illness of his mother in the state of Ohio and that he wished to raise enough money to enable him to go and see her; that he did go and later, by letter, notified some of his acquaintances that his mother had died in Ohio.

The major portion of the testimony introduced by the Cherokee Nation relative to this feature is incompetent. In attempting to show how this information was imparted the witnesses in most instances declared it was by means of letters received by them from the applicant while he was in Ohio. That evidence was incompetent. Not a single letter was offered in evidence and no explanation was made of their absence, nor was any showing made that counsel for the Cherokee Nation or that any one else had made any effort to find or locate these letters. Their absence is in no way accounted for . All the testimony relating to these documents is secondary evidence and, in the absence of some explanation of the whereabouts of these letters or of counsels inability to produce them at the hearing, such evidence is incompetent and should not be considered in arriving at a decision in this case.

"The contents of written instruments cannot be proved by parol, unless the originals have been lost or destroyed, or their non-production is in some way accounted for."

Wilson v Young, 2 Cranch, C.C. 33; U.S. v Lynn, 3 Cranch, C.C. 308; Hutchinson v Peyton, 2 Cranch, C.C. 345; Patriotic Bank v Coote, 3 Cranch, C.C. 169; Halderman v Halderman, Hempst. 559; U.S. v Wary, 1 Cranch, C.C. 312; U.S. v Long, 1 Cranch, C.C. 373; U.S. v Chevault, 1 Cranch, C.C. 70; Ransdale v Grove, 4 McLean, 282.

"The party offering secondary evidence must show that he has

in good faith exhausted, in a reasonable degree, all the sources of information and means of discovery which the nature of the case would naturally suggest, and which were accessible to him."

Simpson v Dall, 3 Wall. 460.

"An extract of a lost letter is not evidence, unless the witness can testify as to the contents of the whole document."

Walbridge v Kilpatrick, 9 Hun. 135.

The applicant admits having made a trip to Ohio about the time these witnesses say he did go; but he states that he does not recall having made to them the statement that he was going for the purpose of seeing his mother. The men who loaned him the money with which to make the trip - men who were at the time officials in his church- state positively that the applicant did not state to them that he wished this money for the purpose of returning to Ohio to see his mother.

The applicant denies positively that his mother ever lived in Ohio or that she died in that state. His explanation of how the misunderstanding might have arisen is a fair, frank and plausible one.

We quote from his testimony:

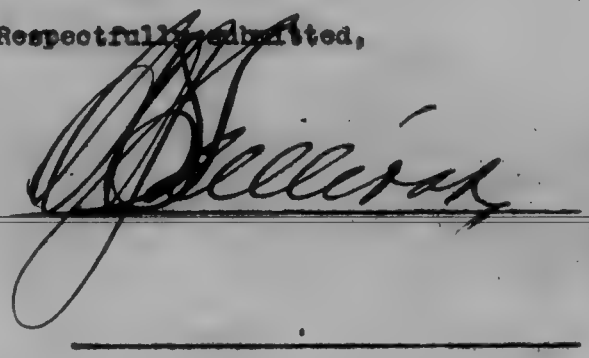
"This woman that these people are talking about was a woman "that while I staid in Ohio I had by her daughter two children, "the mother of these two children died and their grandmother "raised these two children, and about the time they refer to "here about my going to Ohio-Imean to say like this, the "children always called her mother and I got to calling her "mother when I spoke of her, and when I wanted to go there "when she was sick I spoke of her as my mother; the reason I "had for holding this business back was that I thought it "would be best not to talk about it. I had no mother in Ohio. "she died when I was 7 or 8 years old, right here in the Terri- "tory. Q. Were you married to this woman by whom you had those "two children? A. No, sir. Q. Was that the reason of your "timidity of mentioning this matter? A. Yes sir.
"Q. You are a minister? A. Yes sir.
(By the Commission.)
"Q. As I understand you, you always called this woman mother?
"A. Yes sir. Q. And then when you told these people that you "wanted to get money to see your mother, you didn't indicate "that it was your natural mother or that it was not?
"A. No sir I didn't say either way. Q. This woman in Ohio was "very close to you in regard to your natural feelings toward "her? A. Yes sir she was. "
(Testimony of applicant at p. 5 of the testimony taken at Vinita, I.T., Oct. 16, 1901.)

There is nothing remarkable in the fact that the applicant is known by two different names among the freedmen. There are hundreds of instances where a Cherokee freedman is known by two or three different names. This arises fro.. the fact that in slave times the slaves bore the names of their masters or owners. In the course of the sales, exchanges and transfers incident to slave holding a slave was quite apt to assume or have applied to him a number of different names. The applicant, in explanation of the fact that he is known both as Pinder and Brown, states that at one time his mother was owned by people of the name of Brown; that she was also known by the name of Pinder, the name of the applicant's father; that the applicant lived with his mother more than he did with his father and in that way many came to call him Brown.

We contend that this state of facts is well and conclusively proven: That the applicant, Samuel D. Pinder, was born in the Cherokee Nation in 1857; that he is the son of Daniel and Jane Pinder; that the applicant and his parents were the slaves of Ann Pinder, a Cherokee by blood; that when the applicant was a small boy he was accidentally burned and today bears scars as a result of that injury; that the applicant's father and mother resided continuously in the Cherokee Nation from a period prior to the war of the rebellion until their deaths occured, the mother dying in 1865 and the father in 1885; that the applicant resided in the Cherokee Nation from the time of his birth until the year 1879, when he went to Xenia, Ohio, for the purpose of entering school; that after completing his schooling he entered the ministry, taking up missionary work and going from place to place; that he returned to the Cherokee Nation in 1886, where he is now engaged in the ministry as a missionary preacher; that he has always claimed residence in the Cherokee Nation, and has never done anything to abjure his citizenship rights; that his birth and residence conform in all respects to the requirements of treaties and laws applicable to cases of this nature.

We firmly believe that the applicant has well and truly proven his claim to citizenship rights in the Cherokee Nation, and that, on the record in this case, he is entitled to enrollment as a Cherokee freedman and should be so enrolled; and that the decision of the Commission to the Five Civilized Tribes should be reversed.

Respectfully submitted,



M29

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-886.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Samuel D. Pinder as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. D-123.

William J. Sullivan

Attorney and Counselor at Law

Muskogee, Indian Territory.

June 10 1904.

W. J. Hastings,

Tahlequah, I. T.

Dear Sir: Enclosed please find brief in the case of Samuel D. Pinder (Cherokee Freedman D 886), a copy of same has this day been mailed the Secretary of the Interior.

Yours respectfully,

W J Sullivan

(C O P Y)

WCF
FHE

DEPARTMENT OF THE INTERIOR,

D. C. 37727-1904.
I. T. D. 8251-1904.
J.P.

WASHINGTON. September 28, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of a communication from W. W. Hastings, attorney for the Cherokee Nation, dated September 24, 1904, requesting that he be granted ten days longer in which to file briefs and arguments in the following cases:

Samuel D. Pinder, Freedman D 886,
Lucinda Smith, et al, Cherokee F. D. 2, and
William Smith, Cherokee F. D. 158,
Joe Riley, et al, Cherokee F. D. 696.

You will advise said attorney that the time heretofore granted him in which to file argument in the case of Lucinda Smith and William Smith, also the case of Joe Riley, will be extended ten days. You will also notify the applicants in said cases of such extension. You will also notify the attorney for the Nation that the case of Samuel D. Pinder has not yet reached the Department.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

LAND
30800-1904.

September 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 3, 1904, transmitting the record of the application for enrollment as a Cherokee freedman by Samuel D. Pinder.

April 20, 1904, the Commission decided adversely to the applicant.

The record does not show that the applicant was the slave, or the descendant of the slave of a Cherokee citizen or that he was a free colored person residing in the Cherokee Nation at the beginning of the war; nor that he went out of the Cherokee Nation during the war; or returned prior to February 11, 1867.

His name is not identified upon any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

(COPY)

J.F.Jr.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

D.C.42180
I.T.D.9104-1904.
10540- "
11234- "
L.R.S.

September 20, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 3, 1904, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Samuel D. Pinder as a Cherokee freedman.

Reporting September 30, 1904, the Indian Office recommended that the decision of the Commission, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision of April 20, 1904, is hereby affirmed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclusure.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chm.

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 12, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of departmental letter of September 28, 1904, (ITD 8251-1904) wherein the Commission is requested to advise you that the time heretofore granted you in which to file argument in the case of Lucinda Smith, William Smith and Joe Riley will be extended ten days.

In this connection you are advised that the case of Samuel D. Pinder has not yet reached the Department. For your information a copy of the Department's letter above referred to is herewith enclosed.

Respectfully,

Commissioner in Charge.

Encl. OG-10.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
D. 555

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 2, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application of Samuel D. Pinder for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior September 20, 1906.

For your information there is enclosed herewith a copy of the departmental decision referred to.

Respectfully,

Commissioner.

Encl.H.J.-41.
H.J.C.

Cher Fr D 887

Cher Fr D 887

File with Cherokee Freedmen D- 887, Melvina Martin

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of William Henry Robinson for the enrollment of himself and seven children as Cherokee Freedmen, and for the enrollment of his wife, as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicants;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A William Henry Robinson.
Q How old are you? A I am about 48, or 9 years old, I don't know my age exactly.
Q What is your postoffice? A Nowata.
Q What district do you live in? A Coweescoowee.
Q You apply for enrollment as a Cherokee Freedman? A Free colored person living here at the commencement of the Rebellion.
Q Who do you desire to enroll besides yourself? A Self and seven children.
Q Give me the names of your children? A Josie Ann.
Q How old is she? A 26.
Q She will have to enroll for herself, I want the children under 21? A James Aurelius.
Q How old is he? A 18.
Q Next? A Jennetta.
Q How old is Jennetta? A 16.
Q Next? A Charles S.
Q How old is he? A 14.
Q Next? A Amanda Elizabeth, 12.
Q Next? A John Savannah.
Q How old is he? A 10.
Q Next one? A Ollie.
Q How old is Ollie? A 8 years old.
Q Next one? A Next is three years old, his name is William Dewey.
Q That all? A Yes sir, that's all under age.
Q Are you married? A Yes sir.
Q Is your wife a citizen? A Claimant.
Q What is your wife's name? A Millie Robinson, nee Hill.
Q You don't apply for her, you say, has she been listed for enrollment? A No sir, she has not been listed yet, I can enroll her of course, she is married, been married twenty-eight years.
Mr. Smith: Better apply for her.
Com'r: Applies for himself and wife Millie.
Q Are these children all living? A Yes sir.
Q They were all born in the Cherokee Nation? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, I am satisfied.
Q What rolls? A Wallace and Clifton.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicants not found thereon.
Kern-Clifton payroll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 121 (501) William Robinson, Coweescoowee District.
Kern-Clifton roll examined for applicant's wife and not found.
page 121 (501) Jim Robinson, Coweescoowee District;
page 121 (501) Jennette Robinson, Coweescoowee District;
page 121 (501) Charles Robinson, Coweescoowee District;

page 1[illegible] [illegible] Robinson, Cooweescoowee District;
page 1[illegible] John Robinson, Cooweescoowee District.
page 1[illegible] Olive Robinson, Cooweescoowee District.

Q Is her name Ollie or Alive? A Ollie.

Wallace Hall of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 1[illegible] Wm. N. Robarson, Cooweescoowee District.

Witness also examined for applicant's wife Millie, and not identified thereon.

Q Did you draw Strip money for your wife? A No sir.

Examined by Attorney Smith:

Q Where were you living when the war commenced, the Civil War?
A Most of my recollection, I was living in Delaware District, on the place they call Beatty's Prairie, in the Cherokee Nation.
Q Who was your father? A Manford Robinson.
Q Who was your mother? A Annie Robinson.
Q You were a free colored person? A Yes sir.
Q You were here at the time the war commenced? A Yes sir.
Q Did you go out? A Yes sir.
Q Where did you go? A To Ft.Scott, Kansas.
Q When did you return first to the Cherokee Nation? A In May, '66.
Q Where have you been living since that time? A In the Indian Territory.
Q What Nation? A Cherokee Nation.
Q Have you any children now older than James A.? A Yes sir.
Q Name them? A Josie Ann and Eva Ellen.
Q Is Josie Ann married? A Yes sir, her name is Josie Ann Slaughter
Q Where does she live? A At Dewey, Cooweescoowee District, Cherokee Nation.
Q What is your other daughter's full name? A Eva Ellen Anderson.
Q Tell her husband's first name? A Arthur.
Q What is Slaughter's first name? A Charlie.
Q Have they any children, either one of them? A Slaughter has a step-child.
Q But your daughter I speak of? A Yes, one.
Q What is that child's name? A Smith. Married a second time; her first husband was Smith, second husband was Slaughter, that's the one she lives with now.
Q What is the christian name of the child? A Sadie.

Examined by Cherokee Representative, Davenport:

Q Now Robinson, you were living at what point in the Cherokee Nation when the war broke out? A I was living on the place they call Beatty's Prairie, near the neutral land in the strip, I think it is in Delaware District.
Q Who were living near where you were living at that time? A Old man [illegible] Jones is the only one.
Q Was that Jeff? A I don't know.
Q Was Joe Ward living there? A I don't know anything about that.
Q Where was Jim Rangin's family? A I don't know.
Q How old were you when the war broke out? A Between seven and eight years old.
Q How old is your eldest child now? A 36.
Q You went out of the Nation during the war and to what point did you go? A Fort Scott.
Q How long did you stay at Ft.Scott? A During the war.
Q That's where you got acquainted with William T. Sherman?
A First of my recollection; of course I had seen him before, but I didn't get acquainted with him.
Q You came back to the Cherokee Nation when? A In '66, May.
Q You came back before or after the Treaty was made? A After.
Q Did you come back in May? A May.
Q When you came back to what point in the Cherokee Nation did you come? A Big Cabin Creek, not very far from Lee Schrimsher's old place.
Q He was living on the Lee Schrimsher place at that time, he was

one? A Mr. Foreman, I believe,

Q Where was Henry Schrimsher when you came back? A My recollection is he lived over east somewhere, I don't know where.

Q Where was Reuben Sanders, and Solon James? A I don't know a thing about Solon James, but I remember Reuben Sanders and them, they lived on Big Creek. I don't know whether they came there after, or I think it was just about the time I moved in here.

Q William Foreman, did he live in Cooweescoowee or Delaware District at that time? A He lived in Cooweescoowee.

Q He is the same William Foreman that you and your brothers and sisters paid the hundred and twenty-five dollars to swear for you in the Cherokee enrollment isn't he? A Same man.

By Mr. Smith:

Q What did you give him $125dollars to swear for you for? A That's his price, he charged that, and more than that he was to follow the court in case of rebuttal he was to see that we wasn't injured, and he had to travel backwards and forwards on the railroad and pay his expenses, consequently we just volunteered to give him that amount.

Q Who is William Foreman? A A Cherokee man.

Q Was he acquainted with the facts in your case? A Yes sir.

Q Did you hire him to swear to anything that wasn't the facts? A No sir.

By Mr. Davenport:

Q You just simply hired him to represent, be your brains? A No sir.

Q Was that Mr. Blythe living there near you before the war? A No sir.

By Com'r Needles:

Q Bill Sam Foreman, he was also acting kind of attorney was he? A Just arranging it that way, children you know, our parents because.

Q Was anybody else included in that 125 dollar fee besides your family? A No sir.

By Mr. Smith:

Q Was Foreman an older man than you? A Yes sir indeed.

Q You say he was acquainted with the facts in your case? A Yes sir.

Q Did he demand that much from you? A He thought it ought to be worth about that much.

Q He knew the facts in your case, were there any witnesses who did know the facts? A There was two others we had that was acquainted with them.

Q That matter of paying Foreman wasn't before this Commission? A No sir.

Q That was at another time, when the Clifton roll was made? A Yes sir.

LEWIS WHITMIRE, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q What is your name? A Lewis Whitmire.

Q Where do you live? A On Lightning Creek.

Q What is your postoffice? A Hardy.

Q How old are you? A 42 years old.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A I don't know exactly, I guess at least about as much as 8 or 9 years.

Q Did you know him before the war? A No sir, I never saw him before the war.

Q Where was he in time of the war? A He was at Mt. Scott.

Q Did you live near him in the Cherokee Nation after the war? A Yes sir, I did. I was him was out here about a mile and a half south west of Timbered Hill.

Q How far from Chelsea is Timbered Hill? A I don't know how far

it is from here, the place I saw him is about eight miles northwest of Vinita.

Q When did you see him first? A It was the winter of '66, I don't know exactly what time; it was winter, I don't know whether it was December or January.

Q You remember how long it was from Christmas? A No sir, I don't remember how long it was until Christmas.

By Mr. Davenport:

Q You remember whether it was before or after Christmas? A I don't remember whether it was before or after Christmas.

Q You came back to the Territory in the summer of '66? A Yes sir

I came back here in the summer of '66.

Q And it was sometime in the following winter you saw him? A Yes sir

Q You don't know what time? A No sir.

Q Not what month of the year? A No sir, I don't.

By Mr. Smith:

Q Under what circumstances did you see him? A He was living with his father and mother in a old Government tent; we pulled right down in the bottom on the bank of Big Cabin Creek; I was horse hunting at that time.

HARRY STILL, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A Since '62.

Q Where was he in '62? A First time I saw him was on the neutral land when we started to Kansas.

Q Who was he with when you saw him first? A His mother and father, and his brothers and sisters.

Q What was his father's name? A Old man Robinson I always called him.

Q You remember his mother's given name? A No sir, I don't remember her given name.

Q When did you first see him in the Cherokee Nation after the war? A In the winter of '66, over here on Cabin Creek, first time, not far from the Newt Schrimsher place.

Q About what time was that? A It was along in the winter of '66 when I saw him there.

Q How many trips did you make back to the Cherokee Nation? A Three

Q When did you come back here the third time? A In the fall of '66

Q About what month? A Sometime in October I think.

Q About how long after that was it before you saw this man William H. Robinson? A Maybe I am mistaken, I went back after Aunt Nancy died up there at Timbered Hill and I found William and his folks up there then; it was getting kinder late in the year; near the old Schrimsher place.

Q And when was it you think? A Sometime in the winter or fall of '66, I do not know which of '66.

Q [illegible] Christmas? A Before.

Q [illegible] A Yes sir.

Q [illegible] A Yes sir.

Q [illegible] A Next time I saw him he was [illegible] miles from there, and then along [illegible] and his brothers worked together in [illegible] knowing him ever since; we worked [illegible] where he started a place [illegible] I have been knowing him around in the [illegible] places he did live, I have been [illegible] where he is living now.

Q How long has he been living where he is living now? A I don't

Q How long has he been living where he is living now? A I don't know exactly, I have known him out on Coney awhile, living out there, and right around in the Nation here all the while, we worked together in '87.

By Cox'r Keedles:

Q When you talked about the neutral land, that was a claim considered part of the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q This is the first time you have ever testified for Robinson?
A Yes sir.
Q You was around with the Kenn-Clifton Commission in 1896?
A Yes sir.
Q Mr. Robinson was there? A Yes sir.
Q You knew he applied? A Yes sir.
Q They didn't use you then, they used W. Y. Foreman? A Yes sir, he had other witnesses.
Q You knew the same facts then you know now? A Yes sir.
Q And never did tell them? A Nobody never did ask me to tell them.
Q How did it happen you was on Big Creek in the latter part of '66, and saw this fellow? A Went back to get my aunt.
Q Was there a road from Big Creek down towards Neosho River at that time? A No sir.
Q How did you happen to struggle on him? A It was right on my road, right across the prairie.
Q You never lived in that neighborhood towards Big Creek where Sam Webber lives? A No sir, I lived on middle prong of Lightning Creek.
Q How far from Maysville postoffice? A Three or four miles.
Q And you were going up to Newt Schrimsher's place to get your aunt?
A Yes sir.
Q Was Robinson grown then? A He looked big as he is now, he was a good big fellow; when we went to Kansas together he was nearly grown.
Q Just at the breaking out of the war? A Yes sir, he was a young man, the other boys wasn't as large as he was.
Q You didn't know anything of them when the war broke out? A When we start i to Kansas we got with the command taking refugee Negroes out here, first time I saw William was up in the Neutral land, and we went together from there to Ft. Scott.
Q There was a whole lot of other colored people along? A Yes sir.
Q You remember him because he was nearly grown? A I remember him and his family because they was people I never forgot.
Q What makes you think it was before Christmas in '66 that you saw them up there on Big Creek? A Because I am satisfied it was.
Q You have nothing on which to base your satisfaction? A I know I went after aunt Nancy and she was dead, and the result was I found them.
Q You know that was in the winter of '66? A Yes sir.
Q You know what time the applicant came back to the Cherokee Nation?
A No sir, I know I went with him, and that's what time I saw him over there.

Applicant, [illegible], re-called and further examined, by Cox'r Keedles:

Q Where were you born? A In the Cherokee Nation.
Q Your father was a full blood? A Yes sir.
By Mr. Davenport:
Q Your father's name? A [illegible]
Q You didn't [illegible] in Arkansas in '61? A No sir, Nothing did I know it.

WILMOTH HICKS, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Wilmoth Hicks.
Q Where do you live? A In Vinita now.
Q How old are you? A 53.
Q You know William H. Robinson, this applicant? A Yes sir.
Q How long have you known him? A Ever since the winter of '67.
Q You didn't know him before the war? A No sir.
Q Did you know his father before the war? A No sir.
Q Nor his mother? A No sir.
Q You don't know where they lived before the war? A No, I don't know.

By Com'r Needles:

Q Are you a Cherokee citizen by blood? A Yes sir.
Q You don't know whether this applicant was a slave before the war or not? A No sir.
Q First time you saw him was in January, '67? A Yes sir.
Q Where? A On Cabin Creek.
Q Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q What was he doing that day, when you saw him? A They were camped on the Creek there when I saw them.
Q You don't know where they had been during the war? A No sir.
Q Had they just come from Kansas or some other place, or just seemed to be coming there? A They seemed to have been there somewhere.
Q About a year? A No, not that long.
Q How soon do you think it was January, '67? A I can tell you Bill Foreman. I had been hired to Bill Foreman, he moved to Big Creek and from Big Creek back to Cabin Creek; I had been working for him about three months I guess, right along, and I went home about the first of December, he owned me twenty-five dollars, he told me to come back after Christmas about the first of January, he didn't have any money, and I stayed there about four or five days waiting for him.
Q Where was Bill Foreman living then? A On the John Foreman place.
Q How far from the Lee Schweinsher place? A About two or three miles; while I was waiting there for Foreman and hunting around I [illegible] across this family; hunted on the creeks there and around through the country, nothing to do but hunt around.
Q How far were they from the Lee Schweinsher or Foreman place when you first saw them? A About a mile and a half.
Q Did you work for Bill Foreman around the Foreman place in '66?
A Yes sir.
Q Did you see them there during that year of '66? A No sir.
Q Were you following cattle around over the country? A Well, I was working for Foreman, and hunting around.
Q You just been on the creeks around there? A Yes sir.
Q How much farther north did you go than in '66? A To Cabin Creek, and about the first of January I came up and [illegible] there with Foreman. Then May to December, I was [illegible] there up until then.
Q Were you around the Schweinsher place from May to '66? A No sir, I was there while.
Q How did you work from the Schweinsher place during '66? A I [illegible] or four miles down the creek.
Q Did you think applicant or his family from the Schweinsher [illegible] during the year of '66? A No.
Q How often did you say you passed the Schweinsher place? A I [illegible] there twice. We came there as we moved over and when we [illegible] back we come back that way.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Beadle:

Q You present a marriage certificate certifying that you married your wife, Millie, did you ever have a license? A No sir, that is the first license I got.

Q Never had any license? A No sir, that's the first time we was married, we married only according to customs.

Q Was you ever married but once? A Yes sir, I married twice, but to the same woman.

Q What did you marry twice for? A The court set up a claimant, and failed to respect the mark some years ago, and consequently we decided to marry according to Cherokee laws.

Q When you marry according to Cherokee law don't you have to procure a license? A That is all the license that claimed it was necessary for us to have.

By Mr. Smith:

Q Where did you marry your wife first? A In the Cherokee Nation.

Q How many years ago has that been? A 28 years ago.

Q Have you been living together as man and wife ever since that?

A Yes sir.

Q Who were you married by? A Brother named Nathan Durrin, a preacher.

Q Is he living or dead? A Dead.

Q Was there anyone there who saw the marriage? A I guess so, plenty saw the ceremony.

THOMAS MAYFIELD, being sworn by Com'r Beadle, testified as follows:

By Mr. Smith:

Q What is your name? A Thomas Mayfield.

Q Where do you live? A On Grand River.

Q In what Nation? A Cherokee Nation.

Q Do you know this applicant, William H. Robinson? A Yes sir, I know him.

Q You know his wife? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q Who married them? A Nathan Durrin.

Q About how long ago has that been as well as you can remember?

A Might near fifteen or twenty years ago.

Q Might have been down that? A Might have been.

Q You don't know how long it has been? A No sir, I don't know exactly.

Q Was Durrin a preacher? A Yes sir.

Q Where were they married? A Married in my church house there on Grand River, Island Band.

Davenport, Cherokee Nat'n, waives examination.

Applicant, [illegible] MAYFIELD, re-called and further examined, by Com'r Beadle:

Q Where were you married the first time? A [illegible]

Q [illegible]

Q [illegible] A I [illegible] I [illegible]

Q [illegible] A Yes sir.

Q [illegible] a marriage license, and have it with you? A [illegible]

Applicant objects to the introduction of the certificate of marriage offered, for the reason that at the time it was [illegible]

cuted there was no law in force in the Cherokee Nation authorizing the issuing of marriage certificates according to Cherokee law by which anyone marrying a recognized citizen could acquire property rights in the Cherokee Nation, the law having been repealed on December 14th, 1895, and for the further reason that there was no law authorizing a clerk to issue a certificate of marriage according to the laws of the Cherokee Nation to any parties other than recognized citizens of the Cherokee Nation, and if the clerk violated his duty it would give no force to the applicant in establishing his right to having been a free colored person at the breaking out of the war and residing in the Cherokee Nation, having returned in accordance with the Treaty.

Applicant examined by Com'r Needles:

Q. You apply for your wife as an intermarried citizen? A Yes sir.

By Mr. Smith:

Q. Did your wife apply for enrollment? A Her mother has a claim on file here, so I understand.

Com'r Needles: William H. Robinson applies for the enrollment of himself and wife and seven children; to-wit: James A., Jennetta, Charles S., Ollie, Amanda E., John S., and William D. Robinson; he avers that he is a free colored person, never a slave, and was a resident of the Cherokee Nation before the adoption of the treaty of 1866; he went out of the Cherokee Nation during the war between the North and the South and returned in the year 1866; he avers that he was married to one Millie Hill, a non-citizen; he however avers that his wife is an applicant or has a claim for citizenship; he presents no proof whatever as to the citizenship of his wife, and her name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he makes verbal proof of his marriage to his wife, Millie, more particularly shown in the testimony; he also files certificate signed by Joe M. Lahey, Clerk of Cooweescoowee District, certifying that he was married in accordance with the laws of the Cherokee Nation on the 10th day of March, 1897, to one Millie Robinson, nee Hill, a citizen of the United States, said certificate being recorded on page 132, book E, of marriage record of Cooweescoowee District; upon examination of the rolls of the Cherokee Nation his name cannot be found upon the authenticated roll of 1880, but he is duly identified upon the Kern-Clifton and the Wallace rolls, and his children are duly identified upon said roll, with the exception of the youngest child, William D., three years of age, which makes it necessary for him to file satisfactory proof of marriage of said child; consequently, said William H. Robinson and his children as enumerated herein, will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife, Millie, will be duly listed for enrollment as Cherokee Freedman by intermarriage or by her inherent rights, as the testimony may develop; he will be duly notified by mail of the action of the Commission on his application when arrived at.

Applicant re-called, supplemental examination

By Mr. Smith:

Q. Did you ever have any law case, law case tried in the Cherokee Nation? A No sir.

By Com'r Needles:

Q Ever vote in the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q How did you vote then? A I don't know how many.

Q [illegible] A No, I guess you don't know as I voted for Joe Lahey [illegible]

Q [illegible] I voted for the treaty, and I voted for Mr. [illegible] I voted for Joe which was was running.

Q Was you there at that time? A I knew it.

By Com'r Needles:

Q Was Davenport's majority over Grant? A I don't know that.

Q If it wasn't over one we could throw him out, because yours was illegal, isn't it (No reply)

M. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. B. Green.

Subscribed and sworn to before me this June 20, 1901.

Signed, T. B. Needles,
Commissioner.

Supplemental Testimony.
P.D. 874.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 27th, 1901.

Supplemental testimony in the matter of the enrollment of William H. Robinson as a Cherokee Freedman; introduced on the part of the applicant:

WILLIAM FOREMAN, being duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith, for Applicant.
Messrs. Hastings and Davenport, for Cherokee Nation.

By Mr. Smith:

Q State your name? A William Foreman.

Q Where do you live, Mr. Foreman? A Near Wagoner.

Q How long have you lived in the Cherokee Nation? A 54 years a little over.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Citizen by blood? A Yes, sir.

Q Do you know Jack Robinson, William H. Robinson? A Yes, sir.

Q How long have you known him? A First knew him in '63.

Q Where? A Near Gowen on Spring Creek.

Q In the Cherokee Nation? A Yes, sir.

Q Did you see him at that time? A With his father and mother, [illegible]

Q [illegible] there? A Lawrence Robinson.

Q [illegible] Mr. Foreman, slaves or free negroes? A [illegible] free.

Q Where did you first see that family back in the Cherokee Nation after the war? A First saw this boy and his mother here [illegible] country in May, '66, but his father and mother I never saw since the war

Q Well, how old was William when you saw him in '66, after the war here? A He was a young man probably 16, 17 or 18, somewhere along there, a young man.

Q Did you know the wife of [illegible], did you know his mother?

A Yes, sir, I saw her at Fort Smith in '66.

Q What was her name? A I could not tell you.

Q When did you say you saw him in '66? A I left them at Fort [illegible]

Q [illegible] with his mother before the war?

A [illegible] in '66.

Q [illegible] was she? A [illegible]

Q But they were [illegible] persons you say? A Yes, sir, they claimed to be from Arkansas.

Q Well, you were acquainted with this country? A Yes, sir.

Q You know whether they belonged to anybody? A They didn't belong to anybody in this country that I knew of.

By Mr. Hastings:

Q When did you say you knew the applicant first? A I first saw him in '62 at Lee Schrimsher's.

Q Is that the first time you ever saw the applicant? A Yes sir.

Q You testified for him before the Kern-Clifton Commission? A Yes sir.

Q You testified that you saw him on Shoals Creek with Blye in '61?

A No, sir; some of that isn't correct.

Q How do you know this testimony isn't true? A I have seen it and know it is not true.

Q Where did you see a copy? A Some fellow had it there.

Q Fellow L. A. Bell? A I think so.

Q Where were you living in '61? A I was living on Potsau river about six or seven miles below Chetopa.

Q What time of the year was it you saw this fellow? A Along in the fall.

Q How long did you see him there? A I saw him there two different times, I was passing there and stayed all night at Lees country one time.

Q Do you know where this family came from? A No, sir, only what they claimed.

Q What did they claim? A Claimed to come from Arkansas.

Q You swore that they refugees from Arkansas in '64 then didn't you? A I don't know.

Q Did Lee Schrimsher live on the line? A No, sir, lived on Big Cabin Creek.

Q Well, didn't you swear before that you saw this Robinson in '61 at 2 on the Neutral land? A I don't think I did.

Q Well, do you deny that now? A Yes, sir, I do.

Q You admit though that you testified for them before the Kern-Clifton Commission? A Yes, sir.

Q Now how many did you see in '66 of this family?

A I could not tell, the old man and his wife and a lot of children, this boy and another he claimed to be his family.

Q I thought you said just now you never saw his father?

A I saw him at Lee Schrimsher's in '62.

Q I mean in '66? A I never saw him in '66.

Q Now, who did you see in '66? A I saw this boy and his brother.

Q Was he older or younger? A Older.

Q And you only saw this boy about in '66? A He came there to Lee Schrimsher's in May, '66.

Q How long did he stay in there? A I don't know, he went in.

Q Was Lee Schrimsher there? A No, sir.

Q Who was along with you? A A fellow named Wolf, butchman.

Q Did he settle there with them? A He did that fall.

Q Where were you going? A I was going up to the Dave Martin place.

Q Who was living there at that time? A Nobody.

Q Did you have a place there at that time? A First bought a place from Tom Hudson and I afterwards sold it to Bill Martin.
Q Was there a place made in '66? A Made before '66.
Q Was any crop in then, '66? A No, sir.
Q Did you put any in? A No, sir, I moved out there and intended to stay and they stold my cattle.
Q Did you have any family with you? A No, sir, just some work hands.
Q Well, how long after that was it before you saw this Robinson family? A The next time I saw this one was when Wallace had the Wallace Court.
Q You don't know what became of them between that and the Wallace Court? A No, sir.
Q Did you see any other members of the family in the meantime? A No, sir.
Q These two then were there alone? A Yes, sir, just the two, they claimed they was camped on Russell Creek; I don't know whether they was or not, I didn't see them.
Q How far was Lee Schrimsher's from Russell Creek? A About 25 miles.
Q Lee Schrimsher lived on Spain Creek? A Yes, sir.
Q About how far from Vinita? A About ten miles.
Q There was nobody there in this house at that time? A No sir.
Q What were they doing down there? A They came there to see if Lee Schrimsher had come back for they wanted to get work.
Q There were five of these brothers applied before the Kern-Clifton Court? A I don't remember.
Q You charged them $125 didn't you? A I think I did.
Q To testify in that case? A Yes, sir.
Q Are you charging them anything this time? A No, sir; they paid my fare up here from Wagoner.
Q You were at Chelsea when this man applied? A No, sir; I was there three days at Chelsea and I understand he made application after I left there.
Q He was there while you were there? A Yes, sir.
Q And you saw him there? A Yes, sir.
By Mr. Smith:
Q Why did you charge him $125 before the Kern-Clifton Commission?
A I thought it was right that I should have pay for my trouble running around tending to these courts, it cost me something to be here.
Q Where did you have to go to when you testified before the Kern-Court? A I went from Wagoner to Lightning Creek, where the Court was held.
Q Was it at Lightning Creek he made his application? A Yes, sir.
By Mr. Hastings:
Q How far is it from where you lived to Lightning Creek?
A I come around by this place, I suppose it is about 25 or 30 miles.

Applicant offers in evidence some permits issued by the authorities of the Cherokee Nation.

Counsel for Cherokee Nation objects to the introduction of said permits for the reason it is irrelevent, incompetent and immaterial.

Permits are permitted to be filed.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 13th day of July, 1901.

Signed, T. B. Needles, Commissioner

[illegible] duly sworn, says that as stenographer [illegible] he copied the foregoing [illegible] correct copy from the originals.

[illegible]

[signature]

[illegible] before me this the [illegible] of August, [illegible]

[signature]

[illegible]

[illegible]

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I .T., JUNE 26t h, 1901.

In the matter of the application of Sam Martin for the enrollment of his wi fe, Viney and two children as Cherokee Freedmen; said Martin being sworn a nd examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smi th, for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Sam Martin.
Q How old are you? A I don't know exactly, about 33 o r 34 years old.
Q What is your post office address? A Osceleta.
Q Coweescoowee District? A Yes, sir.
Q Who do you desire to have enrolledbesides youself?
Q I am don e enrolled bu t I got two children.
Q You are applying for to children ? A Yes, sir; my wife and he has got two children.
Q Where is your wife? A She has went out here in the country; she has got sick and I had to send her out there.
Q You say you have been enrolled? A Yes, sir; I enrolled at Vinita.
Q You apply now for the enrollment of your children? A Yes,sir; the two younger ones, I enrolled the two elder ones, and she has got two children.
Q Why didn't you apply for your children? A You told me to get t hat c ertivi cate.
Q What is your wife's name? A Viney.
Q Viney what? A She was Viney Martin; she was Viney Robinson.
Q How old is she? A I had her name before a little bit wrong, her brother is elder than she is; he states that she is about 36 years old.
Q When were you married to Viney Robinson? A I do n't know, sir, how long it has been.
Q Had she ever been married before? A Yes, sir.
Q Who to? A Israel Martin.
Q How does her name happen to be Viney Robinson when you married her? A She went by that name; he had went to the Pen and she t ook her first name.
Q She was married to Israel Martin? A Yes, sir.
Q Her maiden name was Robinson? A Yes, sir.
Q What was her father's name? A I don 't know.
Q What was her mother's name? A Nannie Robinson.
Q Is she li ving? A No, sir.
Q Is Viney's name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q What roll? A The Kern-Clifton roll and the Wallace roll.
Q Was ~~ex~~ Not on the roll of 1880? A N o, sir.
Q What are the names of these two children you want to enr o ll?
A Cora Martin.
Q How old is Cora? A She is about 17 years old.
Q What is the name of the next one? A Jesse, he is about 14 I guess.
Q Are these children alive? A Yes, sir
Q Living with you at this time? A Yes, sir.

BY MR. HASTINGS:

Q Where is Israel Martin? A Over on Big Creek.
Q That was your wife's former husband? A Yes, sir.
Q Hadn't your wife ever been married before that? A N o, sir.
Q Hadn't you been marriedbefore you married this woman?
A No, sir.
Q Was any divorce between Israel Martin an d your wife? A N one n s more than the way they generally done when a person married them t h ere under Cherokee law when a fellow was sent to the pen, they s ayin it divorced from his wife.

Q But there was no court divorce? A No, sir.
BY MR. SMITH:
Q Was this man Israel Martin sent to the penitentiary? A Yes, sir.

W. H. ROBINSON, being first duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name. A W. H. Robinson.
Q Where do you live, Mr. Robinson? A I live in Coweescoowee District, about five miles north of here.
Q Are you the same William H. Robinson who applied before this Commission at Chelsea? A Yes, sir.
Q Do you know this man upon the stand here, Martin? A Yes, sir.
Q Is he related to you in any way? A By marriage only.
Q What relation? A Brother-in-law; married a sister of mine.
Q What was her name? A Melvina Robinson.
Q Is she younger or older than you? A Younger.
Q Where does she lives? A She lives now about 25 miles west of here, Nowata.
Q Has she any children? A Yes, sir.
Q What are their names? A I don't know as I can call their names exactly, I think one is called Mose and one Vadie and one called Caroline and I forget the other one's name.
Q Would you know it if you would hear it? A Yes, sir.
Q Well did she have any children, Mr. Robinson, before she married this man, Martin? A Yes, sir.
Q How many did she have? A Two.
Q Now, you called the names of Mose and Caroline and what other names did you call? A Seems to me like her name Vadie.
Q Dod you know one Patsy? A She has two younger children, I don't know their names.
Q Well, do you remember the names of the elder; first she had been, she married this man Martin? A No, sir, I don't believe I can call the names, they live quite a ways from me and has ever since they was born.
Q Is Melvina a full sister of yourself? A Yes, sir.
Q You testified in the case of your brother, John Wesley Robinson, did you? A Yes, sir.
Q Do you remember whether you mentioned the name of your sister, Melvina Martin, in that case? A Yes, sir.
Q With reference to the time that you came back to the Cherokee Nation when did Melvina come? A She came backme we came back.
Q What was your father's name? A Lunford Robsinson.
Q What what your mother's name? A Ann Robinson.
Q Who are your brethers and sisters? A Tobe they call him, J.W. Martin, Margaret, Melvina, Josephine and Mary.
Q Are they all living? A No, sir.
Q Which ones are dead? A Mary.
Q Josephine living? A Yes, sir.
Q What is her name now? A Josephine Martin.
Q And the other one you mentioned, what is her name?
A Martha, Margaret.
Q Is she married? A Yes, sir, she has been, her and her husband separated, her name is Hill.
Q Are all of these children whose names you have stated with you at the time you returned to the Cherokee Nation or only a part of them? A They all came back.
Q All came together? A Yes, sir.
Q State where they all lived up to the time they were grown, up to the time the after they came back to the Cherokee Nation?
A They all lived with my father, of course we all kept by mother until we got to be grown, of course he died before the younger children got of age; they were quite small when he died and consequently mother kept them several years before she died.
Q Where did your father die? A He died in Saline District, Cherokee

okee Nation.

BY MR. HASTINGS:

Q In what year did your father die? A He died about 20 years ago, that was '75 I believe.

Q On what place did he li ve? A He was staying with me at the time with me at the time of h i s deat h.

Q Where was your mother at that time? A She was with the children.

Q Where were they? A On Big Creek.

Q How long had she been li ving at Big Creek at that time?

A She must have been li ving there eight or ten years.

Q Where was this girl born, Melvina? A She was born in Kansas.

Q In what town? A Fort Scott.

Q What is the other, next younger than she? A Josephine.

Q Where was Josephine born? A J osephine was born in the Cherokee Nation.

Q Where? A Cabin Creek.

Q How long had your parents been living there when Josephine was born ? A Oh, three or four months.

Q How old is Josephine? A Josephine is 34 I believe, 33 or 4 as well as I can remember, I don 't know the ages exactly.

The 1880 Authenticated Roll an d 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nati on examined and name of applicants fou nd thereon, as follows:

Page 122, #3026, Melvina Robinso n, Ceowee-coowee Di strict, 30 years of age.

WITNESS: I made a mistake in c alling the oldest child's name, it is Cora instead of Vadi e.

Page 119, #2948, Cora Martin, Delaware District.

Page 118, #2944, Jesse Martin, Delaware Distridt.

Name of Applicant's wife's sister appears upon the Kern-Cli fton roll, page 122, #3027, Josephine Robinson, Ceowee-coowee District, 28 years of age.

COM'R KNEDLER: Samuel Martin applies for the enrollment of his wife, Melvina and her two children, Cora an d Jesse. He avers that Melvina Marti n was the former wife of one Israel Martin and has no knowledge of any divorce of said Melvina Martin from her husband, Israel Martin, who was the father of the children for whom he applies, viz: Cora and Jesse. He avers that the said Melvina Martin is a sister of William H. Robinson, her maiden n ame having been Robinson and William H. [illegible] is enrolled upon doubtful card #674, and the testimony taken i n the matter of the application of William H. Robinson will be made part of the record in the case at bar and a copy thereof filed herewith.

It is ordered that the testimony of Samuel Martin taken in the present app licati on as to the marriage of his wife to I srael Martin and her marriage to himself be made part of the record in the case of the application of Samuel Martin for the enrollment of himself and his c hildren, who are listed for enrollment on doubtful card #[illegible].

The said applicant makes satisfactory proof as to the residence of said children for whom he applies and also as to his wife, consequently Melvina Martin and her children, Cora and Jesse, will now be listed for enrollment upon a doubtful card as Cherokee Freedmen. Said applicant will be duly notified at his post office address of the action of the Commission in the premises.

MR SMITH: Applicant offers Secti on 4[illegible] of the Compiled laws of the Cherokee Nati on, which by agreement of Counsel will be referred to.

[illegible]

[illegible]

Subscribed and sworn to before me this [illegible] day of May, 1[illegible]

[illegible]

Commissioner

D. 887

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 2 day of ....., 190....

McCullough

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the..... ...day of..... ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Filed
SEP 2 1 1901

NOTICE!

IN THE MATTER OF the application of Melvina Martin for enrollment as Cherokee citizens:

Case No. D 887

To Melvina Martin or Mollette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell

N. W. Hastings

Attorneys for the Cherokee Nation.

7D 887

COMMISSIONER

FILED
FEB 10 1902

ACTING CHAIRMAN

To be filed in C.F.D. 657.

R
C.F.D.-674.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of William H. Robinson for the enrollment of himself, wife and children as Cherokee Freedmen.

Appearances:
Mr. Mellette, or Mellette & Smith, Vinita, I. T., attorneys for the applicants;
W. W. Hastings, attorney for the Cherokee Nation.

Elizabeth Davis, being first duly sworn, and being examined testified as follows:
By Mr. Hastings:
Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 57.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long has Fort Scott Kansas been your post office? A Since '63.
Q You formerly lived in this country? A Yes sir.
Q Do you know a colored man by the name of Mumford Robinson?
A Yes sir.
Q When did you learn to know him? A In 1863. He was at Fort Scott when I left.
Q Did you continue to live there during the war? A Yes sir.
Q And after the war? A Yes sir, I lived up there right along.
Q Do you know his wife? A Yes sir.
Q What is her name? A Anna.
Q Do you know any of his children? A Yes, I knew his children.
Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tobe and Wesley, and I don't know, he had awhole house full.
Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.
Q Did you know them continuously? A Yes sir, they lived right there; I was about two blocks away from them.
Q Did you have occasion to see them frequently? A Yes sir, I saw them pass, they would have to pass my house to go to town.
Q You know where they went to from there or where they were gone?
A I don't know where they went to.
Q You know whether they had a house there or not? A Yes sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I know they owned that and sold it.
Q You positive that they lived there until the fall or winter of '69? A Yes sir, I am positive; how that is, Mrs. Runyan her father, Mr. Anthony died in July, 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop; him and his son Walter Runyan both died the same month, and left the widow woman and the girls and she got these boys to gather the crop.
By Mr. Mellette:
Q Are you a white woman? A Yes sir.
Q You are of white blood? A Yes sir.
Q You are not of Cherokee blood? A No sir.
Q This W. H. Robinson you have been talking about? A W. H. Robinson is Humford Robinson's son.
Q Where is Humford Robinson? A I don't know.
Q Is he alive or dead? A I don't know.
Q When did you see him? A I haven't seen him since '63, or heard of him.

Q You don't know whether the applicants here are the persons you know in Fort Scott or not do you? A I know that Mumford didn't, I know that; I don't know whether these are them or not.
Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, No sir.
Q Were you ever married? A Yes sir.
Q Married now? A No sir, I am a widow woman.
Q Who was your husband? A S. S. Davis.
Q Ever married to any one else? A No sir.
Q Did you at one time live with a man named Alonzo Manley? A No sir.
Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonzo Manley, what are you talking about?
Q I just asked you that question? A Well indeed I guess I didn't.
Q Did you know him? A Yes sir, I knew him.
Q Where did you know him? A I knew him from '63 until '70, along in '70's somewheres.
Q How long has it been since you saw Mumford Robinson? A '69.
Q How long has that been? A I don't know; I haven't counted it up.
Q Well try to count it up? A 32 years or 33.
Q Now can you remember back every person that you saw in '69, 32 years ago? A Well I could remember their names and remember seeing them.
Q Can you remember whenyou last saw everybody that you saw in '69? A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw those boys.
Q You remember you saw Mumford Robinson dig potatoes in '69? A I saw the two boys and their mother I told you.
Q Did they ever dig potatoes at any other time? A Not that I know of.
Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.
Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.
Q You didn't bring the Bible with you? A No sir.
Q Maybe that is like the Bible that was not made in '67? A Probably it is, but it is there ~~in the Bible~~.and can be produced just the same.
Q You didn't bring it with you did you? A No sir.
Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.
Q Some time last January, is that the first time that youwere asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.
Q You never had this matter called to your attention until then? A No sir.
Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.
Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.
Q How much did you get for coming down here? A I haven't got anything yet.

By Mr. Hastings: I object to that; it is insulting to the witness.

Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.
Q Who is it, what is his name? A Mr. Keyes.
Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.
Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.

By Mr. Hastings: That is not proper cross-examination of this witness.

A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.
Q He is the man that came to you and asked you about them? A Yes sir.
Q 38 years and nobody had ever called your attention to this fact before that time had they? A No sir.
Q Then you remembered back there it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony.
Q How many cases have you been a witness here in? A -
By Mr. Hastings: I submit this is not proper cross-examination, and I object to it.
By Commission: The objection will be noted; answer the question.
A How many have I? Three besides this I believe.
Q Who were they?
By Mr. Hastings: I submit that that is not proper cross-examination; I object to it.
By Commission: Objection noted; answer the question.
By Mr. Mellette: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.
A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Manley case.
Q How old did you say you are? A 57.
Q Were you married in '69? A No sir.
Q How long after that did you marry? A I married in '70.
Q What time in '70? A In March, 1871.
Q What day of March? A 13th of March.
Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.
By Mr. Hastings: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette)
By Mr. Mellette: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.
By Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, State of Kansas, [illegible]
By Commission: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, State of Kansas, on the 7th day of December 1869; same is filed herewith.

Minerva Runyon, being fird duly sworn and being examined testified as follows:
By Mr. Hastings:
Q What is your name? A Minerva Runyon.
Q What is your age? A 48, in my 48th year.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1862.
Q Do you know a colorednan up there by the name of Mumford Robinson?
A I do sir.
Q Do you know his wife? A Yes sir.
Q What was her name? A Her name was Annie.
Q Did you know any of their family? A I do.
Q Name as many of them as you can remember now? A William, James, Alonzo, Fatette, Tobe and Wesley, that was the boys in the family, and there was Elizabeth Jane and Mary and Martha and Melvina, that was the girls.
Q Who did Melvina marry? A I don't know.
Q Did you ever know one of them married Mr. Hill? A Yes sir.

Q What was her name? A Mary Ann.
Q When did you first learn to know this family? A In '62 when I came there they was there.
Q Neighbors from '62 until '69 continuously? A Continuously, they might have been there a little longer than that, butth t much any way.
Q How do you fix the date, Mrs. Runyon, that you knew them? A Well I fix the date by father's death.
Q When did your father die? A Father died July 13th 1869.
Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather out potatoes, as much as I can remember it was Frank and Tobe.
Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.
Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.
Q You are a citizen of the State of Kansas? A Yes sir.
Q Don't claim citizenship down here? A No sir.
Q You came down here by a subpoena as a witness? A I did.
Q You knew the family well I suppose? A I knew the family well.
By Mr. Mellette:
Q You are a white woman? A I am a white woman.
Q Did you say your age was 40? A My age is 48, in my 48th year.
Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.
Q They are colored people? A Yes sir.
Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them, I remember them distinctly.
Q Have you read the testimony given in this case since you came here, has it been read to you? A The testimony?
Q Yes, that they gave, giving the names of the children? A No sir.
Q Have you had the names called to your attention since you came here the names of these children? A I don'tthink I have.
Q You could remember the names of those children 32 years? A Indeed I could, every one of them.
Q You have remembered them that long? A I have remembered them that long.
Q How old were you when your father died? A I was a girl of about 13 years, 14 or 15 years.
Q And you remember the names of children 32 years you ha en't seen since that time? A I do.

By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedman cases: D-677, D-685, D-887, D-857, D-939, D-948 and D-1018.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D.Green.

I, the undersigned, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

[signature]

Docket D 250

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sam Martin, D 497,
Minnie Moore, "

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cher.Fr.D-887.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 16, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of MELVINA MARTIN, ET AL., as Cherokee Freedmen.

Appearances:
W. W. Hastings, Attorney for Cherokee Nation.

MELVINA MARTIN, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: State your name? A Melvina Martin.
Q What is your post office? A Ramona.
Q In what district do you live? A Ceoweescoowee District.
Q You are an applicant for enrollment before the Commission here as a Cherokee Freedman? A Yes sir.
Q You have applied for enrollment here as a Cherokee Freedman?
A Yes sir.
Q How many children have you under age? A Seven.
Q Which ones did you apply for here before the Commission, how many did you apply for? A Jesse and Cora and Allen.
Q You merely applied for those three then? A Yes sir.
Q The others are over twenty-one are they, over age?
A Yes sir, the girl, Cora, is of age.
Q How old is your oldest child? A Cora, s he is twenty-one, I guess, as near as I can guess at it.
Q Is Cora the oldest child you have? A yes sir.
Q What is the next child? A Jesse.
Q Is that a boy or a girl? A Boy.
Q How old is he? A Eighteen.
Q How old is the next one? A I don't know how old he is.
Q Have you got two sets of children? A Yes sir.
Q Children by two husbands? A Yes sir. I don't know how old Moses is, he must be about fourteen years old, as near as I can guess.
Q Who was the father of Cora Martin? A Israel Martin.
Q Was that your first husband? A Yes sir.
Q Who was the father of Jesse Martin? A Mike Martin.
Q Were you married to Mike? A No sir, I wasn't married to him.
Q Is Israel Martin, Cora's father, living? A Yessir, he is living.
Q Is he a state raised man? A No sir.
Q Does he claim Cherokee citizenship? A yes sir.
Q Has he made application to the Commission? A I don't know whether he has or not.
Q Mike Martin, Jesse's father, is a state raised man? A No sir.
Q Does he claim citizenship? A Yes sir.
Q Do you know whether he has applied to the Commission or not?
A No sir, I don't know.
Q What is your next child after Jesse? A Moses Martin.
Q Who is his father? A Sam Martin.
Q How many children have you by Sam? A Three Five.
Q Name them? A He has got two dead.
Q Name those living? A Moses, Carolina, Patsy, Hannie and Allen Martin, that's all.
Q Your husband here, has he applied to the Commission.
A Yes sir, I guess so.
Q Does he claim citizenship? A Yes sir.
Q Did he apply for some of the children? A Yes sir.
Q Who did he apply for, how many of them, all of his children?
A Yes sir, all his own.

Q Have you a child by the name of Allen Martin? A yes sir.
Q How old is he? A He is about a year and nine months.
Q Who is the father of Allen? A Sam Martin.
Q Sam didn't apply for Allen, then, did he? A No sir, I don't think he did.
Q When did you first get acquainted with Israel Martin?
A Been a good while.
Q After the war or before the war? A Couldn't tell you how longit is.
Q You don't know anything, then, as to whether he was the slave of a Cherokee citizen or not? A No sir, I don't.
Q Mike Martin, when did you first get acquainted with him?
A That was after the war.
Q Where was Cora born? A She was born in the Nation.
Q Cherokee Nation? A Yes sir.
Q How long has she livedthere? A She has been living there all her life. She aint been living no place else but in the Cherokee Nation, ever since she was born. We was livingon Grand River when she was born.
Q Where was Jesse born? A In the nation.
Q Has Jesse ever been livingoutside the Cherokee Nation?
A No sir.
Q Where was Allen born? A In the Nation.
Q Have Cora, Jesse and Allen Martin been living in the Cherokee Nation all their lives? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete t ranscript of his stenographic notesthereof.

Wm. H. Hutchinson

Subscribed and sworn to before me this 18th day of November, 1905.

Charles R. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of Cora Martin, Cherokee Freedman, Doubtful Number 187.	PETITION TO SET ASIDE DECISION AND REOPEN CASE.

TO THE HONORABLE THE SECRETARY OF THE INTERIOR:

Comes now your petitioner Cora Martin, and respectfully petitions the Department of the Interior to direct the Commission to the Five Civilized Tribes to reopen the above entitled case and permit the petitioner to offer proof to establish her right to enrollment as a freedman of the Cherokee Nation, and for cause of said application the petitioner shows:

That on June 30th., 1901, Melvina Martin, the mother of your petitioner, made application to the Commission to the Five Civilized Tribes for the enrollment of herself and two minor children including your petitioner. That afterwards certain proceedings were had before the said Commission wherein the application of this petitioner, was consolidated with the applications of Mansford Robinson and his wife Annie Robinson, Killing H. Robinson and his wife Millie Robinson, and others, whose applications were afterwards rejected by the said Commission on the grounds that the ancestor through whom the said Robinsons claim had served in Indian Territory during the Civil War and did not return until after the year 1866, and that said decision was affirmed by the Honorable the Secretary of the Interior.

That said Robinsons were represented before the Commission to the Five Civilized Tribes by the law firm of Mellette & Smith, but that said attorneys did not interpose themselves actively in said cases after the year 1902, and that said petitioner was never consulted by said attorneys at any time.

Petitioner shows further that she was born and has always lived in the

Cherokee Nation; that she is the only daughter of Malvina Martin and said Israel Martin, and was born of said parents in lawful wedlock; that while petitioner was a small girl her parents were divorced and her mother then married Sam Martin; the father of your petitioner is a duly enrolled citizen of the Cherokee Nation, on the Dawes Roll thereof, and has received his allotment of land as such.

That on September 10, 1903, as petitioner is now informed, the Commission to the Five Civilized Tribes notified the firm of Pollette & Smith, and the mother of petitioner, that said Commission desired to receive proof showing the name and identity of the father of petitioner; that though petitioner was not present she has been informed that some proof was offered for this purpose, the attorneys for the petitioner paid no attention to this notice and petitioner is advised that a satisfactory showing was not made concerning the same; but the petitioner states that the testimony taken by the said Commission on November 16th., 1903, and now on file in this case, show that the petitioner is the daughter of Israel Martin the first husband of Malvina Martin.

Petitioner shows further that when the Commission to the Five Civilized Tribes prepared its decision in this case it either regarded the showing concerning petitioners father as inadequate or entirely over looked the same as said decision stated that all the applicants therein, including this petitioner, claimed from the common ancestor Robinson, when as a matter of fact this petitioner claims the right to enrollment through her father Israel Martin, a duly enrolled citizen as aforesaid. In support of said statements the petitioner refers to the affidavits of her father, her mother and the minister who married them, all of which are attached hereto.

In consideration of the premises therefore this petitioner respectfully

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Prays the honorable the Secretary of the Interior to reconsider the decision made by him in said case; that said case be remanded to the Commission to the Five Civilized Tribes with instructions to said Commission that it receive further proof in support of the claims of the petitioner and that the application of the petitioner be decided on its merits, independent of the applications of other citizens.

And in duty bound she will ever pray.

Petitioner.

United States of America,
Eastern District,
Indian Territory. } ss.

Nora Martin being sworn says that she has heard read the foregoing petition and knows the contents thereof, and that the same is true as she verily believes.

Witnesses to signature of
Nora Martin.

Subscribed and sworn to before me
this 24th day of March, 1902.

[illegible]

United States of America,)
Indian Territory,) ss.
Vinita District.)

Israel Martin being first duly sworn deposes and says that he is a citizen of the Cherokee Nation, on the Freedman Rolls thereof, and as such has selected his allotment of land in the Cherokee Nation. That he is the father of Cora Martin and applicant for enrollment as a Cherokee Freedman on card No. [illegible].

That said Cora Martin is the only daughter of affiant by his former wife Melvina Martin, to whom he was duly married about 27 years ago, while living west of Vinita, Indian Territory, and that said Cora Martin was born in lawful wedlock.

Affiant states further that since Cora Martin was two and one-half years of age she has lived for the most of the time with her mother who separated from affiant at that time; that affiant made no attempt to secure the enrollment of Cora Martin knowing that her mother had applied for her enrollment and as a result affiant did not testify in the case of Cora Martin or furnish any other information whatever for her. That he only recently discovered that Cora Martin had been rejected by the Dawes Commission and the Interior Department and did not know until this date that the record in her case showed that her citizenship depended upon her mothers ancestors and that there had ever been any doubt in said case about the father of Cora Martin.

Affiant states further that because of the fact that he is a duly enrolled citizen of the Cherokee Nation he is convinced that his daughter Cora Martin is entitled to enrollment, and he desires an opportunity to testify before the Commission as to the facts stated herein.

Subscribed and sworn to before me this
[illegible] day of [illegible], 1907.

Commission expires [illegible] 1908.

United States of America,
Northern District,
Indian Territory. } ss.

BE IT REMEMBERED, That on this 5th day of March, 1905, personally appeared before me John Baldridge a duly appointed, commissioned and qualified Notary Public, in and for the Northern District, Indian Territory, John Baldridge of Elliott, Indian Territory, to me personally known, who being by me first duly sworn according to law on his solemn oath deposes and says:

That his name is John Baldridge; that he is 75 years of age; that he is a minister of the Gospel and is a duly enrolled citizen of the Cherokee Nation; that he is and has been for the last twenty seven years well acquainted with Israel Martin and his former wife Malvina Robinson, now Malvina Martin; that he solemnized the marriage between the said Israel Martin and Malvina Martin at the home of Henry Sidney, on Pryor Creek, 12 miles west of Vinita, in the Cherokee Nation, Indian Territory, on the (not known) day of September, 1878.

That as the fruit of said marriage there was born to the said Israel Martin and Malvina Martin a daughter named Cora Martin, since

That about two and one-half years after the birth of said Cora, Israel Martin and Malvina Martin separated and said Malvina subsequently married one Sam Martin of Oochelata, Indian Territory.

That Israel Martin, the father of said Cora Martin, is a duly enrolled Cherokee freedman.

That affiant is not related to the claimant or either of the parties concerned, and has no interest, direct or indirect, in the claim of said Cora.

[illegible]

Subscribed and sworn to before me this [illegible] day of March, 1905.

[illegible]

United States of America,)
Indian Territory,) ss.
Northern District.)

BE IT REMEMBERED, That on this 27th day of March, 1905, personally appeared before me [illegible] duly appointed, commissioned and acting Notary Public, in and for the Northern District, Indian Territory, Melvina Martin, of Oochelata, Indian Territory, to me personally known, who being by me first duly sworn according to law, on her solemn oath deposes and says: That her name is Melvina Martin; that her surname was Robinson; that she was formerly the lawful wife of Israel Martin of Ruby, Indian Territory; that she is the mother and that Israel Martin is the father of Cora Martin; that said Cora Martin was born in lawful wedlock and has lived in the Cherokee Nation all of her life; that said Israel Martin is a duly enrolled citizen (freedman) of the Cherokee Nation.

And further saith not.

Bud Walls
Witness

W. P. Robinson
Witness

her
Melvina + Martin
mark

Subscribed and sworn to before me this 27th day of March, 1905.

[illegible]
Notary Public.

My commission expires Aug. 21st 07

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

[illegible] [illegible]rrin, et al.

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

Cherokee Freedman D-867.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 21, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CORA MARTIN as a Cherokee freedman.

APPEARANCES:
For Applicant, Thomas A Foreman, by Grant Foreman.
For Cherokee Nation, James S. Davenport.

CORA DeMUMBER, being first duly sworn, testified as follows:

BY MR. FOREMAN:
Q What is your name? A Cora DeMumber.
Q What was your name before you were married? A Cora Martin.
Q Who is your father? A Israel Martin.
Q Where does he live? A On Big Creek.
Q Where do you live? A On Big Creek.
Q What is your post office? A Ruby.
Q And how old are you? A 23.
Q Which one of your parents raised you Cora? A My mother and step father. My father and mother separated and she married again and I stayed with her.
Q When did your father and mother separate? A I couldn't tell you, they separated when I was small.
Q What is your mother's name? A Vina Martin, but she was a Robertson before she married.
Q You mean Wolf Ann? A Yes sir.
Q Where did you live with your mother since your parents separated?
A On Pryor Creek, we lived there about 10 years then we moved to Caney.
Q And have you always lived in the Cherokee Nation? A Yes sir, n never was out of the Cherokee Nation until I came down here.
Q Do you know who made application for your enrollment before the Commission? A No sir, if my step father didn't, he went and told them my name and told my mother was and that was all he done, and I thought all the time he enrolled my and he come back and never told me nothing about it.
Q Did you ever appear before the Commission to testify? A No sir, he said he would enroll me and I just thought he had enrolled me.
Q Did you employ any attorneys to represent you, any lawyers? A No sir, not until I employed you, we thought all the time I was on the roll with my father until we went to file and written down here and said I wasn't on the roll.
Q Is your father and enrolled citizens of the Cherokee Nation?
A Yes sir.
Q Do you know whether he has allotted his land? A Yes sir, he has allotted his land.
Q Has your father any other children? A Yes sir, he has some children.
Q Have they been enrolled? A Yes sir.
Q Have they received their allotments? A Yes sir.
Q Do you know whether your parents were married? A Yes sir, they were married.

BY MR. DAVENPORT:
Q You don't know of your own knowledge anything about their marriage do you? A No sir.
Q Were they living together when you can recollect? A No sir.
Q Who were you living with? A With my mother, my father took me and kept me pretty near a year and I wouldn't stay with him.
Q How long ago has that been? A I don't know exactly, I just could remember.
Q You never lived with your father since you have been grown? A No sir.
Q Is that your father out here with you? A Yes sir.
Q You know nothing as to your parentage excepting what you have been told since you grew up? A That is all.
Q Your mother Melvina you lived with her until you got married?
A Yes sir.
Q Did she claim to citizenship through the Roberson family? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Your mother is married to another man named Martin? A Yes sir.
Q Can you remember staying with your father? A Yes sir.
Q What is the name of your husband? A John DeMember.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q Do you know what time you were married? A I don't know the date of the month but it was about this time year before last.
Q In December, 1903? A Yes sir.

W I T N E S S E X C U S E D .

ISRAEL MARTIN, being frist duly sworn, testified as follows:

BY MR. FOREMAN:
Q What is your name? A Israel Martin.
Q How old areyou? A I don't know exactly my age, I am ~~going~~ getting along in years though.
Q 40 or 50 years old? A No sir, I am not that old, I might be maybe 41 I reckon.
Q What is your post office? A Ruby.
Q Indian Territory? A Yes sir.
Q Do you know Cora Martin DeMember? A Yes sir.
Q What relation is she to you? A That is my daughter.
Q Who was her mother? A Vina Roberson.
Q Was that her maiden name? A Yes sir.
Q And when was Cora born? A I don't know just exactly what year she was born.
Q Were you and Melvina married when she was born? A Yes sir.
Q How long ago were you married Israel? A It has been right about 27 or 28 years since me and her were married.
Q Who married you? A A preacher man named Ceos-fa-tee.
Q Do you know John Baldridge? A Yes sir.
Q Who is he? A That is the same man.
Q Is he known by both names? A Yes sir.
Q Is he a minister of the gospel? A Yes sir.
Q Where did he marry you? A On Pryor Creek.
Q Where from Vinita is that? A West of Vinita, between Vinita and Chelsea.
Q About how far from Vinita? A I judge by dirt road it is 12 or 14 miles, somewhere along there.
Q Do you remember at whose house you were married? A Yes sir.
Q Whose was it? A Henry Sidney's.
Q Was there any written record of that marriage? A No sir.
Q How long did you and Melvina live together? A We lived together [illegible]

Q What did you do then? A We separated, couldn't get along good together.
Q How old was Cora when you separated? A She was about 2 1/2 years old I think when we separated.
Q What became of her, Cora? A Her mother kept her part of the time and part of the time she was with me.
Q Who raised her? A Her mother principally raised her.
Q Had you any other children by Melvina? A No sir.
Q What attempt did you make to have Cora enrolled? A Well when I went in to enroll myself at Vinita and I enrolled myselfand all of my children that is at home now and I saws to the Commission, Cora is right about grown and just let her enroll herself, and he says very well we will do that, so I come out and told her mother to let Cora go in and testify for herself and she went, Cora wasn't there, andin the place of them sending Cora------
Q Well you made no effort at all to secure her xxxx enrollment did you? A No sir.
Q Are you an enrolled citizen of the Cherokee Nation? A Yes sir.
Q Have you received your allotment of land? A Yes sir.
Q And were all your children enrolled except her? A Yes sir.
Q Do you know whether or not Melvina was enrolled? A No sir, I don't.

BY MR. DAVENPORT;
Q You say that you and Melvina were married about 28 years ago?
A Been right about that long.
Q You lived together how long? A We lived together, I think about 4 years.
Q Have you ever lived together since that time as husband and wife?
A No sir.
Q You have married since you left her? A Yes sir.
Q And this Cora, the applicant, here has lived with her mother ever since her birth? A No sir, not ever since.
Q How long has she ever lived with you? A I never kept no account of it but she was with me lots of time.
Q What years? A I don't know.
Q Where were you living? A Part of the time on Big Creek and part of the time on Pryor Creek.
Q Near whose place were you living on Pryor Creek? A Near Rollin Adair's.
Q How far? A Probably 3 or 4 miles
Q He was close enough to know she was living there? A I guess so.
Q Who else was living there? A There was Mike.
Q I mean outside of your family? A Well Mike aint my family.
Q He is kin folks? A Yes sir.
Q Any one besides Rollin Adair no kin to you? A Yes sir, several people lived near but I don:t just remember the names now.
Q Who had Melvina been married to before you married her? A Nobody.
Q Now you haven't brought the man who married you here to show that you and Melvina were married? A No sir.
Q Cora hasnet lived with you in the last few years, has she? A She lived with me awhile, it has been about 3 years ago, two or three years ago, then she married.
Q Was she living with you at the time she married? A No sir, she had went back out west to where she stayed out there
Q Where has Melvina been living since you separated with reference to where you have been living? A On Pryor Creek awhile and then out near Ochelata.

Q Haven't lived in the same neighborhood since you separated?
A Part of the time.
Q How many years? A I couldn't say just for sure.
Q Can you tell what year you and Melvina separated? A No sir, I don't undertake that.
Q Can you tell what year you were married? A No sir.
Q Do you know what year Cora was born? A I think, no sir, I don't know what year Cora was born, I don't remember dates.
Q Cora wasn't 21 years old when you applied for her enrollment was she? A Well we thought she was, to the best of your knowledge. That is all we had to go by and we were honest in our undertaking.
Q Her mother applied for her when the time come didn't she? A I don't remember anything about that but Cora was right about grown. She was so near grown that the Commission told me she could enroll herself.
Q Does that kind of a conversation appear in your enrollment? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Was Cora born while you and Melvina were living together? A Yes sir.
Q Living together as husband and wife? A Yes sir.
Q What is the name of your child just next to Cora? A Do you mean by this same woman.
Q I mean the next child you ever had? A That would have been Rosa.
Q Is Rosa living? A No sir.
Q What is the name of Rosa's mother? A Her name is Lizzie.
Q Is that your present wife? A Yes sir.
Q Have you a child named Maggie? A Yes sir.
Q About how much older was Rosa then Maggie? A Couldn't say, in fact don't know unless I would get it from my record.
Q Was she a year, two years or three years? A Well I haven't thought about that without tracing it up in my account.
Q Did you have any other children between Maggie and Cora besides Rosa? A No sir, I don't think I did, Yes there was another one between Rosa and that one.
Q What is the name of the other child besides Rosa that is older than Maggie and younger than Cora? A Henry.
Q Is he living? A No sir.
Q Which was older, Rosa or Henry? A Rosa.
Q And then Henry next? A Yes sir.
Q Did you have any other children between Maggie and Cora? A No sir.
Q How much older was Henry than Maggie? A I don't know just exactly, not remembering dates very well, but I had all the names and ages in a book but didn't take time to look at it as I left.
Q Was it more than one or two years? A I am not sure about that.
Q About how long after you and Melvina separated was it before you and Lizzie married? A About two years.
Q Were Rosa and Henry your children by Melvina or your children by Lizzie? A By Lizzie.
Q And were they born after you and Lizzie began living together?
A Yes sir.
Q Do you know about how long you and Lizzie had lived together before Rosa was born? A No sir, I don't just exactly.
Q It seems that you ought to remember something about a matter that is important to people who are married? A Well we kept no record there of it that we have at home and never kept it in our mind, whenever we wanted to know about it we went and looked at it.

The name of Israel Martin, the witness appears on Cherokee Card Field No. F 1299 and his name appears on a partial roll of Cherokee freedmen approved by the Secretary of the Interior opposite No. 3585.

BY MR. FOREMAN:
Q You know where the minister is that married you and Melvina?
A Yes sir.
Q Where? A He is west of a little place between here and Coffeyville they call Warren.
Q What railroad is it on? A On this railroad that go es through Wagoner and by Claremore and up to Nowata.
Q How far does he live from where you live? A About 30 miles.
Q You presented an affidavit to him for his signature, did you at the time this rehearing was made? A Yes sir.
Q Did you go to his home? A Yes sir.
Q And did you see him sign the affidavit? A Yes sir.
Q Do you know whether he is living now? A He was the other day, I heard from him.
Q Did you make any effort to get him to come down here to testify in this case? A No sir.
Q Can you get him if necessary? A He said he would come if necessary because he married us and he would go anywhere and swear it, and I believe he will do it.
Q Did he tell you that at the time he signed the affidavit? A No sir, that was the night I was talking to him, I stayed all night with him.
Q Where did you take him to have him sign the affidavit? A Coffeyville, Kansas.
Q How far does he live from Coffeyville? A I think he claimed 12 or 15 miles, somewhere right along there, I don't know exactly the distance myself.

BY MR. DAVENPORT:
Q That fellow you claim married you called Cush Baldridge? A We call him Goos-fa-too.
Q That is the same one as John Baldridge? A Yes sir.
Q And you were mistaken this morning about telling the Commission you enrolled this Cora? A No sir, it wasn't.
Q The record doesn't show that you mentioned her anywhere? A Well I sure did.
Q The record taken in May 16, 1901, in which you were sworn to testify in your application the following question and the following answer, "Who do you want to enroll besides yourself," answer, "I want to enroll myself and 4 children." "What are the names of your children?" Answer, "Maggie." "How old is Maggie" hand paper to Commissioner (12), "Next one?" Lewis he was born in 1893, What is the name of the next one, Laura in 1896, will be 5 years old." "What is the name of the next one?" "Lottie, about a year and a half old." "The next one?" "Lizzie, she is the daughter of Lizzie Stone?" A Yes sir, that is all right, he says to me do you appear on any roll-----
Q The record there shows what was said? A I will tell you how this Cora come in, now he says who is Cora Martin and I says that is my daughter by my first wife that she is about grown and let her enroll for herself and he says all right.
Q But the record doesn't show that you stated the primary facts and the record does show that? A Yes sir.

WITNESS EXCUSED.

VINA MARTIN, being first duly sworn, testified as follows:

BY MR. FOREMAN:
Q What is your name? A Vina Martin.
Q What is your post office? A Ochelata.
Q How old are you? A About 25 I guess.
Q You are older than 25? A That is as near as I can guess, of course I don't know my age.

ON BEHALF OF THE COMMISSIONER:
Q You are about 40 years old aren't you? A I might be about 40.

BY MR. FOREMAN:
Q Do you know Cora Martin? A Yes sir.
Q Her name is now Cora DeNumber? A Yes sir, she is married.
Q How long has she been married? A She has been married preatty near a year I guess, a little before Christmas last Christmas she married.
Q What relation is Cora to you? A She ismy daughter?
Q Who is Cora's father? A Israel Martin.
Q Were you and Ismael married before her birth? A Yes sir, we were married.
Q Who marriedyou? A Coos-a-fa-dra.
Q Does he go by any other name? A That is all I ever heard of him going by.
Q Where were you married? A On Pryor Creek.
Q You remember at whose home you were married? A At the Henry Sidney place, between Chelsea and Vinita.
Q How long after you were married before Cora was born? A Just about a year.
Q How long did you and Israel live together after your marriage?
A About 8 or 9 years.
Q And did you separate? A Yes sir.
Q What became of Cora at the time of your separation? A She was with me.
Q She went with you? A Yes sir, she was small then, nursing, she was little.
Q A little girl? A A baby girl.crawling.
Q You don't know how old she was? A She wasn't more than 4 or 5 I think, about 4 years old.
Q Was she lived in the Cherokee Nation ever since that time? A Yes sir, she couldn't been no other place.
Q Did you apply for Cora's enrollment as a Cherokee citizen? A Well my husband, her step daddy did, her daddy told us she was old enough to apply for herself she was grown.
Q Who did ask for her enrollment? A I don't know who did ask for it, she didn't go when she was at home.
Q Was this man who married you a minister of the gospel? A He was, he was, I don't know only what he said, he married us and that is all I know about it

BY MR. DAVENPORT:
Q What year did you marry? A It was in the winter.
Q What year? A I don't know what year.
Q How many years ago has it been? A Since we have been married.
Q Yes, since you and he were married? A I guess it has been about 26 or 27 years, it has been so long.
Q How long did you live together? A We lived together about 8 or 9 or 10 years.
Q How old was Cora when you separated? A She wasn't more than about 4 or 5 years old.

Q And you lived together 8 or 9 years? A Yes sir.
Q What year did you separate? A I couldn't tell you what year.
Q Do you know what year this is? A No sir, I don't.
Q Do you know what year the Vern-Clifton roll was made? A No sir, I don't, I can'r read and write.
Q You don't have to read and write to remember what happened? A No sir, not everything.
Q Do you know how old Cora is? A About 23 years old now.
Q And you have since married since you and Ismael separated, you have married? A Yes sir, I am married again.
Q And he is married? A Yes sir.
Q Now you and Israel were never married were you? A Yes sir.
Q Where did you keep house and live together as man and wife and near whom? A On Pryor Creek.
Q On whose place? A On our own place.
Q Was anybody living in the neighborhood? A Several people living there.
Q Who were they? A Eliza Downing, and Asa and Henry Bean.
Q Now somebody that is not an applicant for citizenship, an 1880 roll person?

Mr. Foreman: I object, how can she tell, I don't think that is a fair question.

On Behalf of the Commissioner: Objection noted.

Q Did Rollin Adair live close to you? A Yes sir.
Q Does she know you and Israel kept house as man and wife? A Yes sir, he ought to know, I worked for his wife.
Q Who was present at that wedding that John Baldridge undertook to perform between you and Israel? A I don't know, several of them.
Q Don't you remember any of them? A Patsy Haring and Ailsey Bean was there, I don't know, the house was full.
Q Was the yard full? A It wasn't in the yard, it was in the house.

ON BEHALF OF THE COMMISSIONER:
Q Was Cora born while you and Israel were living together? A Yes sir.
Q How long after Cora was born before you and he separated? A About we lived together about 8 or 9 or 10 years.
Q How long after Cora was born before you and Israel separated? A I don't know how long it was.
Q Did you and Israel have any other children besides Cora? A No sir.
Q Israel is the husband of Lizzie now? A Yes sir.
Q Did you ever know any other Israel Martin besides the Israel, who is the husband of Lizzie and has children, Maggie, Lewis, and so on? A Yes that is all the Israel I ever heard of.
Q Did you have any children before you and Israel lived together?
A No sir.
Q Did you live with any other men besides Israel Martin and Samuel Martin? A No sir.
Q Who is the fatherof Jesse Martin? A Jesse Martin?
Q Have you a child named Jesse Martin? A Yes sir, I have got a child named Jesse
Q Is he living? A Yes sir.
Q What is the name of his father? A I don't know whether Sam is or not.
Q Is Sam Martin the father of Jesse? A No Mike.
Q Mike who? A Mike Martin.
Q Now you just now said that Sam Martin was the father of Jesse Martin, now who is the father of Jesse? A I told you Mike.

Q Did you and Mike ever live together? A No sir, we never lived together.
Q How do you know that Mike Martin is the father of Jesse Martin?
A I guess I ought to know.
Q Do you know whether he is the father or some other man the father?
A No other man is the father I can tell you that.
Q How do you know but what Samuel Martin is the father of Jesse Martin? A Sam aint.
Q Have you a child named Allen Martin? A Yes sir.
Q Is that child living? A Yes sir, he is living.
Q Who is his father? A Sam.
Q Sam Martin is that your present husband? A Yes sir.
Q Now don't you know that Mike Martin was a married man at the time Jesse Martin was born? A I don,t know whether he was married or not, he might have been.
Q Don't you know that he was married and living with his wife at the time Jesse Martin was born and had several children by his wife?
A No sir.
Q Did Mike Martin ever live with you? A No sir, lots of men say they are married but they aint.
Q Don't you know that he was married to his present wife and that he had been married to her more than a year before Jesse Martin was born? A No sir, I don't know it.
Q Do you know whether he is married or not? A He is married now.
Q How long has he been married? A I couldn't tell you.
Q Hasn't he some children older than your child Jesse Martin? A I don't know, he might have one, I don,t know only about my own children.
Q You and he never lived together at all? A. I told you once.
Q How often did he visit you? A I don,t know.
Q More than once? A Yes he visited me more than once.
Q About how many times? A I don't know.
Q A great number of times? A I don't remember the times.
Q Through what period of time did his visits to you and have intercourse with you extend, through what length of time was it a month or 6 months? A I don't know, it was about two years I guess, I don't know exactly.
Q Do you know whether it was two years or not? A No sir, I was just guessing at it.
Q Did any other man ever visit you besides Mike? A No.

This case was here continued by agreement until January 4, 1906, at nine o'clock A. M.

----------oOo----------

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 6th day of January, 1906.

B. P. Rasmus
Notary Public.

Cherokee Freedman D 837.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 26, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CORA MARTIN as a Cherokee freedman.

ON BEHALF OF THE COMMISSIONER:

The records of this office show that the hearing in the Cherokee freedman enrollment case of Cora Martin was continued from January 4, to January 25, 1906, on which date the case was, by agreement, continued until ten o'clock A. M., on January 26, 1906, at which time this case was called pursuant to said continuance, the applicant not appearing either in person or by attorney, and the Cherokee Nation appearing by its representative, James S. Davenport, who announces that the Nation has no testimony to introduce, this case will be closed and a decision rendered on the evidence heretofore introduced.

----------oOo----------

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 26th day of January, 1906.

B. P. Rasmus,
Notary Public.

C7B

COPY.

Cherokee Freedmen D 887

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cora Martin as a Cherokee Freedman.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Nowata, Indian Territory, on June 26, 1901, Sam Martin appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, Cora Martin, as a Cherokee Freedman. The others included in said application are otherwise disposed of and their rights to enrollment will not be considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, November 16, 1903.

The records further show that on March 11, 1904, the Commission to the Five Civilized Tribes consolidated the applications for enrollment as Cherokee Freedmen, of William M. Robinson et al., C.F.D. 674, Josie A. Slaughter, et al., C.F.D. 677, Tobe Robinson, C.F.D. 686, Melvina Martin et al. C.F.D. 887, and Martha M. Hill et al., C.F.D. 1018, and found that all the applicants were free colored persons residing in the Cherokee country at the commencement of the rebellion, who left said Cherokee country during the progress of said rebellion and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation, or are the descendants of said free colored persons, born since 1866, and rendered its decision therein, denying all of said applicants the right to enrollment as Cherokee Freedmen. Thereafter a motion was filed on behalf of the applicant herein, Cora Martin, to have said decision of March 11, 1904, set aside in so far as it affected her right to enrollment as a Cherokee freedman, and that she be given further opportunity to establish her right to enrollment as a Cherokee freedman, and on November 11, 1905 (I.T.D. 8122-1904, 4256-1905) the Department granted said motion, and returned

same to this office as a basis for further hearing. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, December 21, 1905 and January 26, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Cora Martin , is the daughter of one Israel Martin, who was the slave of a Cherokee citizen at the commencement of the rebellion, and who complied with the provisions of Article IX of the Treaty of 1866. The said Israel Martin is listed for enrollment as a Cherokee Freedman on Cherokee card Field No. F. 1299, and his name is included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior, November 16, 1904, opposite No. 3565. The evidence further shows that the said Cora Martin was born in the Cherokee Nation since 1866, and has continuously resided therein since birth.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Cora Martin is entitled to enrollment as a Cherokee Freedman, and her application for enrollment as such is accordingly granted.

(SIGNED). Tams Bixby
Commissioner

Dated at Muskogee, Indian Territory,
this FEB 20 1906

BEFORE THE DEPARTMENT OF THE INTERIOR,

Washington, D. C.

To the Honorable,

The Secretary of the Interior.

In the matter of the application of Allen Martin for enrollment as a Cherokee freedman.

M O T I O N

Comes now Allen Martin by his father, Sam Martin, and moves the Honorable Secretary of the Interior to rescind the Departmental decision of March 2, 1906, affirming the decision of the Commission to the Five Civilized Tribes of March 11, 1904; to reverse said decision, and to enroll Allen Martin as a Cherokee freedman, for the reasons following:

This Allen Martin is a minor son of Sam Martin who was enrolled as a Cherokee freedman March 5, 1904, by the Commission to the Five Civilized Tribes, and later approved by the Secretary of the Interior.

This Allen Martin was born June 10, 1902, and application was made for his enrollment in due time, but it appears that the fact that Allen Martin is a son of Sam Martin seems to have been overlooked by the Commissione to the Five Civilized Tribes and the Secretary of the Interior.

WHEREFORE, I Sam Martin, on behalf of my minor son, Allen Martin, respectfully request the Honorable Secretary of the Interior to rescind the decision ofthe Commission approved March 2, 1906, and to enroll Allen Martin as a Cherokee freedman.

Respectfully Submitted,

his
Sam X Martin
mark

Witnesses to Mark,

[illegible] Vinita, I. T.

[illegible] Vinita, I. T.

A F F I D A V I T .

NITED STATES OF AMERICA,)
Northern District, } SS.
Indian Territory. }

Sam Martin of lawful age, beingfirst duly sworn on oath says: That the statements contained in the "Motion for review"in the Allen Martin case hereto attached are true, and that on March 26, 1906, he deposited in thepostoffice at Vinita, Indian Territory, a true copy of theis motion, addressed to Bell, Hastings & Davenport, attorneys for the Cherokee nation in the matter of making the Freedman roll; that said letter was duly registered as provided by law.

Sam Martin

Subscribed and sworn to before me, the undersigned, a Notary Public in and for the Northern District of the Indian Territory.

O A Smith
Notary Public.

My Commission expires _____.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jesse Martin as a Cherokee Freedman, F. R. 622.

MOTION FOR REHEARING.

Comes now the applicant, Jesse Martin, and moves the Honorable Secretary of the Interior to remand his case to the Honorable Commissioner to the Five Civilized Tribes and to grant him a rehearing in order that he might introduce testimony to prove that he is the son of Michael Martin, a duly and lawfully enrolled Cherokee Freedman.

The record herein shows that application for the enrollment of Jesse Martin was made to the Commission to the Five Ci vilized Tribes by Malvina Martin, his Mother; that the Commission's Decision, dated March 11, 1904, rejected the applications of Malvina Martin, et al., which decision was affirmed by the Honorable Secretary of th e Interior on March 2, 1906.

The record further shows that on May 18, 1906, the Honorable Secretary of the Interior in his letter of that date (I.T.D. 8627-1903--D.C. 19220-1906) ordered that the Motion for review of Decision in the case of Malvina Martin, et al., be di smissed as the Department had been unable to identify the case.

It appears that this applicant should be entitled to be enrolled as a Cherokee Freedman because of the fact that his father, Michael Martin, is a duly and lawfully enrolled Cherokee Freedman, and for that reason this Motion is filed and we earnestly ask the Department to remand the case of Jesse Martin in order that he may have the opportunity to introduce the testimony to show what rights to enrollment he may have through his father, Michael Martin.

Affidavit in support of this Motion is attached hereto.

RESPECTFULLY,

Glass & Patton

ATTORNEYS FOR APPLICANT.

United States of America,

Indian Territory

Northern District SS

Guy Patton of Lawful age being duly sworn on his oath says that he is one of the Attorneys for the applicant, that this motion is not made for the purpose of delay but in order that Justice might be done.

Guy Patton

Subscribed and sworn to before me this ~~6th~~ 12th day of July 1906.

~~O. A. Smith~~ W E Ross

Notary Public.

D.C. 19220

YP

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FEH

May 15, 1906.

I.T.D. 8627-1905.
LRS

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

A motion for "review of decision" which fails to give the date of the decision complained of and no information by which the case can be identified except the title, "Melvina Martin, et al," of the filing of which you were advised January 18, 1906, is dismissed as the Department has been unable to identify the case.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

Cherokee F.

R 622

JOR

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 7, 1906.

Blue & Bulger,

Attorneys for Melvina Martin et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 15, 1906, dismissing motion for "review of decision" in the Cherokee freedman enrollment case of Melvina Martin et al, which motion was filed by you January 7, 1905.

For your information there is enclosed herewith a copy of said letter.

Respectfully,

TAMES MCKEE
Commissioner.

Incl. P-8.

MCP

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jesse Martin for the enrollment as a Cherokee Freedman, F. D. 887.

AFFIDAVIT IN SUPPORT OF MOTION FOR REHEARING.

UNITED STATES OF AMERICA,
INDIAN TERRITORY } ss.
NORTHERN DISTRICT

On this day personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Northern District of the Indian Territory, Jesse Martin, of lawful age, who being first duly sworn, on his oath says:-

"My name is Jesse Martin. My Post Office is now Chelsea, Indian Territory, and I am an applicant for enrollment as a Cherokee Freedman and my case is carried wi th the application of my Mother, Melvina Martin, et al., which has been consolidated with the Cherokee Freedman enrollment case of William H. Robinson, et al. Mt father's name is Michael Martin and he has been duly and lawfully enrolled as a Cherokee Freedman and has received his allotment ofland in the Cherokee Nation.

This Motion is not made for the purposes of delay but in good faith in order that justice might be done me.

I am yet a minor and will be twenty-one years old on the 22nd day of December, 1906, and I have depended upon my Mother, Melvina Martin, to do all things necessary to secure my enrollment but I fi nd that she has not presented to the Commissioner and to th e Honorable Secretary of the Interior sufficient testimony to show that Michael Martin, a duly and lawfully enrolled Cherokee Freedman, is my father. I understand that the testimony she gave shows that Michael Martin is my father, but it appears to me that this branch of the case has not been properly presented. I contend that I am enti tled to enrollment as a Cherokee Freedman because of the fact that my father, Michael Martin, is a duly and lawfully enrolled a s a CherokeeFreedman. I di d not present the testimony of my father, Michael Marti n, at the former hearing of this case, because I did not know it was necessary, and being a minor I contend that I should not be denied the right of being enrolled as a CherokeeFreedman because other people have not shown the proper diligence in securing my enrollment. I am the one affected by this decision and I earnestly pray the Honorable Secretary of the Interior to remand my case for rehearing in order that I may have an opportunity to present the testimony I have to show that I am the son of Michael Martin, a duly and lawfully enrolled Cherokee Freedman."

JESSE MARTIN

Subscribed and sworn to before me this 17 day of July, 1906.

JOHN T. BROWN

(SEAL) NOTARY PUBLIC.

My commission expires Dec. 8, 1906

A F F I D A V I T.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY } SS.
NORTHERN DISTRICT)

MICHAEL MARTIN of lawful age, being duly sworn, on his oath deposes and says:

"My name is Michael Martin. My age is forty-three years and my Post Office is Chelsea, Indi an Territory. I am a Cherokee Freedman duly and lawfully enrolled as such and I have received my allotment of land in the Cherokee Nation, Indian Territory."

" I am the Father of Jesse Martin, an applicant for enrollment as a Cherokee Freedman, and his mother's name is Melvina Martin. About one year before the birth of the applicant, Jesse Martin, his Mother, Melvina Martin, came to my house and she and I lived together as husband and wife for a period of about one year and we separated about two months before this child was born. I know that I am the father of the applicant, Jesse Martin."

his
MICHAEL x MARTIN
mark

Witness to mark:

JOSH MARTIN
AROM Martin

Subscribed and sworn to before me this 17 day of July, A.D.,1906

JOHN T. BROWN
NOTARY PUBLIC.

(SEAL)

My commission expires Dec. 8, 1906.

C. F. D. 887.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Allen Martin as a Cherokee freedman.

Reply on behalf of the Cherokee Nation to motion to reopen.

The representatives of the Cherokee Nation respectfully submit that the decision of the Commission in denying citizenship to Allen Martin, a minor herein, is correct, for the reason that there is no testimony tending to show that Sam Martin and the mother of Allen Martin had been married a sufficient length of time for him to have been born in lawful wedlock; in fact there is no testimony whatever to show that they were living together as man and wife at the time he was born, and the testimony does show that she had had children by different parties, and we respectfully submit that in absence of a sufficient showing by the record that she and Sam Martin were living together as husband and wife a sufficient length of time prior to the birth of Allen for him to have been born in lawful wedlock, the decision of the Commission should not be disturbed, the proof showing that the mother of Allen had been giving birth to children by different men throughout the country, and we submit that it is not possible for the mother to know who is the father of the child if she is having sexual intercourse with more than one man and especially when the testimony fails to show that the child was born in lawful wedlock.

We therefore respectfully submit that the motion of applicant to rescind the judgment of the commission heretofore rendered should be denied, and said judgment be not disturbed.

Respectfully submitted,

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Jesse Martin as a Cherokee Freedmen, F. D. 887.

Reply of the Cherokee Nation.

The motion for a rehearing filed herein recites that the record shows that the Commission to the Five Civilized Tribes rejected, among others, the applicant on March 11, 1904, and that this decision of the Commission rejecting the applicant was affirmed by the Secretary of the Interior on March 2, 1906.

The motion further recites that on May 15, 1906, the Honorable Secretary of the Interior in his letter of date (I.T.D. 8627-1905)(D.C. 19220-1906), ordered that the motion for review of decision in the case of Melvina Martin, et al., be dismissed as the Department had been unable to identify the case. You will note that this motion is for a rehearing of the decision of the Department denying the motion for review dated May 15, 1906, of which notice was given on June 7, 1906, to Blue & Bulger, attorneys for Melvina Martin, et al. The motion then for a rehearing is to correct the error of the Department of the Interior in denying on May 15, 1906, the motion for review theretofore filed in this case. The question arising now is was there any error committed by the Department on May 15, 1906, and in order to determine that we will have to investigate what the motion contained that was denied on May 15, 1906, for it will be remembered that this present motion for a rehearing is filed under section one of the Act of Congress approved April 26, 1906 (Public No. 129), which provides:

"****and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which case such motion shall be made within sixty days after the passage of this Act;****"

Now the record shows and the motion for rehearing alleges that the judgment of the commission denying the applicant was affirmed on March 2,

1906, and this act under which the motion for rehearing is filed was approved on the 26th day of April, 1906, therefore, the sixty days expired on the 25th day of June, 1906. Now this present motion was filed on the 12th day of July, 1906, and was evidently intended of course to come within the sixty days from the date of the decision by the Department on May 15, 1906, denying the motion for review and is meant to come within that clause of the above provision which limits the time within sixty days after the date of the order or decision sought to be reconsidered. You will observe that it does not come within sixty days after the passage of the act and therefore only comes within sixty days from the decision of May 15, 1906, which must be the decision sought to be reconsidered. Then it is important to find out what was in the motion for review of decision. Our records show that the following was filed upon a regular printed blank form of motion for review with the name of Melvina Martin, et al. inserted in the blank space. All of the rest which we hereinafter quote, except "Melvina Martin, et al.," being printed. The motion is as follows:

"Department of the Interior.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Melvina Martin, et al.

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

_____

_____
Attorneys for Applicants.

Service of the above motion accept ed and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this _____day of_____, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation.

By_____."

Passing upon this motion for review the Department held on May 15, 1906 (I.T.D. 8627-1905), as follows:

"A motion for review of decision which fails to give the date of the decision complained of and no information by which the case can be identified except the title 'Melvina Martin, et al.,' of the filing of which you were advised January 15, 1906, is dismissed as the Department has been unable to identify the case."

Could the Department have rendered any other decision? The attorneys do not knoww complain that that decision was erroneous. They do not point out any error that they desire corrected, but they make an entirely new motion based now upon different grounds, not to review the decision of May 15, 1906, but to review the decision of March 2, 1906, affirming the decision of t he Commission rejecting the applicants and therefore they do not seek the reconsideration of the decision of May 15, 1906, but of March 2, 1906, and therefore do not come within Section 1 of the Act hereinabove quoted. We desire to particularly and strenuously invite the attention of the Department to this contention. Second, the original testimony in this case shows that Melvina Martin swore that she never lived with Michael Martin, the alleged father of Jesse Martin, as his husband and wife, and thereby contradicts the affidavit of Mike Martin attached to the motion, and the testimony is to the effect that Melvina Martin had been previously married to Israel Martin from whom she had never been divorced.

The testimony further shows that Mike Martin does not appear upon the roll of 1880 and therefore Jesse Martin does not come within the decision in the David Ross case which requires the enrollment of illegitimate descendants of people whose names appear upon the authenticated roll of

1880. Upon the other hand the Congress of the United States in the Act of April 26, 1906 (Public No. 129), Section 2, indicated that:

"Illigetimate children shall take the status of the mother," showing conclusively what the congressional idea was as to the enrollment of illegitimate children.

Again, the original testimony shows that this question was gone into and the paternity of this child inquired into and the testimony was before the Commission when it rejected the applicant and when this rejection was affirmed by the Department.

We desire to call the attention of the Department to another practice which is exemplified in this motion, which we do not endorse, and which we do not believe the Department will endorse, and that is the last line of the motion for a rehearing as follows: "Affidavit in support of this motion is attached hereto." The truth is no affidavit was attached. This motion is alleged to have been sworn to on the 12th day of July, 1906, and a copy served upon us on the same date. A number of days thereafter there was mailed to us the affidavits of Jesse Martin and Michael Martin both of them taken on the 17th day of July, 1906. Now, note that the original motion is sworn to on the 12th day of July, 1906, and it is stated in the motion that the affidavit in support of the motion is attached thereto, whereas it is shown that the affidavit was not taken at the time and not taken for five days thereafter, or not taken until more than sixty days had elapsed from May 15, 1906, and attorneys for applicants are put in the attitude of swearing to a completed motion for a rehearing whereas the affidavits, the vital part of the motion, did not accompany it, and we move therefore that these affidavits be detached and not considered as a part of the motion. For the reasons hereinabove stated we submit that the motion for a rehearing filed herein should be denied.

Respectfully submitted,

7-26-06

N. W. Hastings
Attorney for the Cherokee Nation.

United States of America,
Indian Territory
Northern District SS

On this 28th day of June 1906, personally appeared before me the undersigned Notary Public, ~~xxxx~~ Melvina Martin, who being by me duly sworn according to law on her oath deposes and says:

"My name is Melvina Martin, my age is 41 years and my post office is now ~~xxxxxxxxx~~ Ruby, Indian Territory, I am ~~xxxxxxxxx~~ acquainted with the applicant Jesse Martin. He is my son. He will be Twenty-One years of age on the 22nd day of December 1906. His father is Michael Martin a duly and lawfully enrolled Cherokee Freedman. The said Michael Martin has received his allotment of land in the Cherokee Nation. About one year and more before the birth of Jesse Martin I commenced living with Michael Martin as his wife and continued to live with him at his home until about two months before the birth of Jesse Martin whenwe separated.

MELVINA MARTIN.

Subscribed and sworn to before me this 28th day of June 1906.

M. L. PADEN

Notary Public.

(SEAL)

MY COMMISSION EXPIRES
MARCH 9, 1910.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
D 867.

Muskogee, Indian Territory, October 14, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that Malvina Martin, Cherokee Freedman D 867, has this day been requested to appear before the Commission at its office in Muskogee, I. T., on Monday November 16, 1903, and give testimony as to who was the father of her two children, Cora and Jesse Martin, she having failed to appear at Vinita, I. T., on September 28, 1903, in accordance with the Commission's notice to produce the testimony required.

Respectfully,

Commissioner.

D. C. 51740-1908.
I.T.D. 8122-1904.
4286-1908.
L.R.S.

(COPY)

I.T.
LD.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 11, 1908.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 11, 1908, the Commission to the Five Civilized Tribes submitted a motion for rehearing in the Cherokee freedman case of Melvina Martin et al., so far as Cora Martin is concerned.

It is alleged in the motion that Cora Martin is the daughter of Melvina Martin and Israel Martin and was born to said parents in lawful wedlock, and that her father is a duly enrolled citizen of the Cherokee nation and has received an allotment of land as such; that when the Commission prepared its decision in the case, it either regarded the showing concerning petitioner's father as inadequate or entirely overlooked the same, as the decision stated that all the applicants in the case, including the petitioner, claimed through a common ancestor, Rebecca, when, as a matter of fact, the petitioner claims the right to enrollment through her father, Israel Martin.

Melvina Martin stated at the time of the hearing that Cora Martin was 21 years of age, and that Israel Martin was her father. Cora Martin did not appear.

The Commission has not shown anywhere that Lorand Hartle is not a duly enrolled citizen of the Choctaw Nation.

Correction is hereby granted and it is returned herewith for the basis of a rehearing.

Respectfully,

(Signed) Tom Ryan
First Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
F D 867.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1905.

Dull, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of November 11, 1905, in which the motion filed in behalf of the applicant for a rehearing in the Cherokee freedman case of Cora Martin is granted. Cora Martin has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, December 21, 1905, and introduce further testimony as to whether she derives any right to enrollment as a Cherokee freedman through her alleged father, Israel Martin,

She has also been requested to introduce the testimony of Israel Martin, and her mother, Melvina Martin, on the above date. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

There is inclosed herewith for your information a copy of Departmental letter referred to.

Respectfully,

Tams Bixby

Acting Commissioner.

Incl. GL-6.
GEL

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F D 887.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 27, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings had in the matter of the application for the enrollment of Cora Martin as a Cherokee freedman, taken at Muskogee, Indian Territory, on January 26, 1906.

Respectfully,

Acting Commissioner.

Incl. GL-81.
GHL

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F D 887.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, granting the application for the enrollment of Cora Martin, now DeNumber, as a Cherokee freedman.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

Incl. GL-133.
GHL

R. W. BLUE J. J. BULGER
BLUE & BULGER
ATTORNEYS AT LAW
VINITA, - - IND. TER.

March 26, 1906.

Gentlemen,

Enclosed please find motion in the matter of the application of Allen Martin.

Yours Respectfully,

J J Bulger

D.C.19220

YP

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE

I.T.D. 8627-1905.

May 15, 1906.

LRS

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

A motion for "review of decision" which fails to give the date of the decision complained of and no information by which the case can be identified except the title, "Melvina Martin, et al," of the filing of which you were advised January 15, 1906, is dismissed, as the Department has been unable to identify the case.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner

of Indian Affairs.

(C O P Y)

LAND
17498-1906.

D E P A R T M E N T O F T H E I N T E R I O R,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

May 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated February 20, 1906, transmitting the record of the application for enrollment as a Cherokee Freedman by Cora Martin.

February 20, 1906 the Commissioner decided favorably to the applicant.

The record shows that this case was originally consolidated with the case of Melvina Martin, et al.,(William N. Robinson et al.), forwarded to the Department June 20, 1904 (Land 19440-04) and apparently still pending before the Department, Under date of November 11, 1905 (ITD 4256-05) the Department granted a motion for rehearing in the case of Cora Martin.

The evidence shows that Cora Martin, now De Number, is the daughter of Israel Martin who was the slave of a Cherokee citizen at the beginning of the war of the rebellion and complied with the provisions of Article IX of the treaty of 1866. His name is found opposite No.[illegible] on a partial roll of Cherokee Freedmen approved by the Department November 16, 1904. It is further shown that Cora Martin was born in the Cherokee Nation

since 1866 and has continuously resided therein since birth.

In view of the record the approval of the Commissioner's decision favorable to the applicant is recommended.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

MMM

C

REFER IN REPLY TO THE FOLLOWING:

Cherokee F
R 622

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 7, 1906.

Bell Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

For your information there is enclosed herewith a copy of Departmental letter of May 15, 1906, denying a motion for "review of decision" filed by Blue and Bulger, Vinita, Indian Territory, September 7, 1905, in the Cherokee freedmen enrollment case of Melvina Martin et al.

Respectfully,

Commissioner.

Incl.P-9
MMP

(C O P Y)

DEPARTMENT OF THE INTERIOR

Land
19971-1906
41183-1906

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

C O P Y

September 12, 1906

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of March 2, 1906, (I.T.D. 5122-1904-2532-1906-1196-1906), and also to Departmental letter of March 31, 1906,(I.T.D. 3657-1906), the Office transmits herewith report from the Acting Commissioner to the Five Civilized Tribes, dated May 8, 1906, enclosing motions for review filed by Sam Martin, in the matter of the application of Allen Martin for enrollment as a Cherokee freedman. The Acting commissioner recommends that the motion be granted and the case remanded for the purpose of permitting him to introduce competent evidence tending to establish his paternity. The record in this case is transmitted herewith.

Very respectfully

RHB-LC

F. E. Leupp
Commissioner

L R S (COPY)

Y.P.

I.T.D. 17284-1906 DEPARTMENT OF THE INTERIOR, FHE

WASHINGTON.

September 18, 1906

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 2, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes rejecting, among others, the application for the enrollment of Allen Martin as a Cherokee freedman. It was not advised at that time of the enrollment of Sam Martin, the alleged father of Allen Martin.

It appears from your letter of May 8, 1906, received with Indian office letter of September 12, 1906, submitting a motion for rehearing in the case of Allen Martin, that Sam Martin and certain of his children are included in the partial roll of Cherokee freedmen approved by the Department, opposite Nos. 3753 to 3757 inclusive. You recommend , in view of the fact that the records of your office indicate that the status of Allen Martin is identical with that of the other children of Sam Martin, and that he is apparently a younger child of Sam Martin, that the motion be granted.

The motion is granted, and the decision of the Department of March 2, 1906, is rescinded so far as it relates to Allen Martin.

The motion is returned herewith as a basis for rehearing.

A copy of Indian office letter of September 12, 1906, is inclosed.

Respectfully,

(Signed) JESSE E. WILSON
Assistant Secretary

2 inclosures

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
R 622

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 28, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of Departmental letter of September 18, 1906, granting a motion for a rehearing in the Cherokee freedman case of Allen Martin. Sam Martin, father of said applicant, has this day been advised that he will be permitted to appear before the offices of the Commissioner on October 11, 1906, and introduce such testimony as he desires in said case.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in the case.

Respectfully,

Commissioner

L M B

Encl. B-73

D.C.53852-1906. (C O P Y) J.P.Jr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

L.R.S.

December 6, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 20, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Cora Martin, now Dettumber, as a Cherokee freedman, including your decision of the same date, favorable to the applicant.

Reporting May 23, 1906 (Land 17408), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
D 887

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 17, 1906

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 20, 1906, granting the application for the enrollment of Cora Martin, now Denumber, as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 6, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner

Encl. B-93

FP
EP

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 2402-1907.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee freedman case of Jesse Martin, received with your letter of November 22, 1906, is denied in accordance with your recommendation and that of the Indian Office in letter of February 4, 1907, a copy of which is inclosed.

All the papers in the matter have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Refer in reply to the following: (COPY))

LAND
84994-1906
103302-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated November 22, 1906, transmitting a motion for rehearing in the Cherokee freedman case of Jesse Martin, filed with the Commissioner on July 12, 1906.

The protest of the Attorney for the Cherokee Nation, filed on July 26, 1906, is also enclosed, together with affidavits of Melvina Martin, Michael Martin and Jesse Martin, which are filed with and made a part of the motion, by request of the attorneys.

The decision of the Commission to the Five Civilized Tribes rejecting, among others, the application of Jesse Martin for enrollment as a Cherokee freedman, was affirmed by the Department on March 2, 1906 (I.T.D. 1196-1906), and on May 15, 1906 (I.T.D. 8627-1905), a motion for review of the case was denied by the Department.

As this motion was not filed with the Commissioner within sixty days after the passage of the Act of April 26, 1906 (34 Stat.L., 137), there is no authority in law for its consideration,

and it is therefore recommended that it be dismissed.

Jesse Martin is a party applicant to the Cherokee freedmen case of William H. Robinson, et al., which is this day forwarded to the Department in connection with a motion to reopen the case as to the principal applicant.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-HH

REFER IN REPLY TO THE FOLLOWING:

Cherokee F. R.
622

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the motion for rehearing in the matter of the application for the enrollment of Jesse Martin as a Cherokee freedman, was denied by the Secretary of the Interior, February 11, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Enc. M-79

MH

Cher Fr D 888

Cher Fr D 888

DOUBTFUL, as to Applicant's Wife, Hannah:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

In the matter of the application of Edmond Ross for the enrollment of himself, wife and one child as Cherokee Freedmen; said Ross being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Edmond Ross.
Q How old are you? A 34.
Q What is your post office address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir
Q Who do you want to enroll besides yourself? A My wife and child.
Q What is your wife's name? A Hannah Ross.
Q How old is she? A 34.
Q What is the name of your child? A Etta Jane.
Q How old is Etta Jane? A 11 years old.
Q Is your wife's name on the roll of 1880? A No, sir.
Q Your name is on the roll of 1880 is it? A Yes, sir.
Q Is your wife a citizen? A Yes, sir.
Q You apply for her do you? A Yes, sir.
Q Where is your witnesses? A I can't produce any here.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicant found thereon, page 797, #1805, Edmond Ross, Tahlequah.
Name of applicant's wife not found on the 1880 roll.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 1321, #430, Edmond Ross, Tahlequah District.
Page 1321, #431, Etta (J.) Ross, Tahlequah District.
Applicant's wife not on 1896 Roll.

Q What is your wife's father's name? A Burgess Williams.
Q Is he living? A No, sir, he is dead, I don't think the father or mother either is on the roll.
Q Was he a citizen? A Yes, sir.
Q What is her mother's name? A Sallie Williams.
Q Was she a citizen? A Yes, sir.
Q Both dead? A Yes, sir.
Q Hannah Ross your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Neither of you ever married before? A No, sir.
Q Is she living now? A Yes, sir.
Q Did you draw strip money for your wife? A She got the Lipe money.
Q Did she draw her Kern-Clifton money? A Yes, sir; she drawed Lipe money.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife found thereon, page 132, #3274, Hannah Ross, Tahlequah District.

Q When were you and Hannah Ross married? A 1888.
Q Have you been living together ever since your marriage continuously? A Yes, sir.
Q Etta J. your childr by her? A Yes, sir.
Q Have you any certificate of marriage? A No, sir.
Q Any proof of marriage here? A John Ross is here.

JOHN H. ROSS, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A John H. Ross.

FILED
JUL 18 1901

Edmond Ross, et al.--2.

Q How old are you, Mr. Ross? A 37.
Q What is your post office? A Muskogee.
Q Do you know Edmond Ross, the applicant? A I do, sir.
Q What relation is he to you? A Third cousin.
Q Do you know his wife, Hannah? A Yes, sir.
Q Do you know whether they were ever married? A Yes, sir.
Q How do you know that? A I was present and saw them married.
Q Have they been living as man and wife ever since that time?
A Yes, sir.
Q Do you know their child? A Yes, sir.
Q What is its name? A Etta.
Q Is she living? A Yes, sir.

EDMOND ROSS, the applicant, recalled:

Q You say you have no proof of citizenship due to your wife at this time? A No, sir.
Q Her name isn't on the roll of 1880? A No, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir.

COM'R MERRILL: Edmond Ross applies for the enrollment of himself, his wife, Hannah and one child, Etta J. He is duly identified upon the authenticated roll of 1880 as well as the census roll of 1896. He makes satisfactory proof of his marriage to his wife, Hannah, in 1888. He avers by said wife he has one child, Etta J., whose name is found upon the census roll of 1896. Said Edmond Ross and his child, Etta J., will be listed for enrollment as Cherokee Freedmen.

Applicant applies for the enrollment of his wife, Hannah. She is duly identified upon the Kern-Clifton Roll, but can not be identified upon the roll of 1880. He is not able at this time to make satisfactory proof as to citizenship, stating that his witnesses are not present. Said Hannah Ross, wife of Edmond Ross, will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission.

---oo0Ooo---

J. D. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Reason

Subscribed and sworn to before me this 15th day of July, 1902.

[illegible]
Commissioner.

Cherokee Freedman D 888.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 27, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of HANNAH ROSS as a Cherokee freedman.

It appears that on July 5, 1904, Edmond Ross, husband of the applicant, and the attorney for the Cherokee nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 27, 1904, and then and there introduce further testimony in this case touching the points mentioned in said letter.

APPEARANCES:
Applicant represented by her husband, Edmond Ross.
Cherokee nation by its attorney, James S. Davenport.

DENNIS VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Dennis Vann.
Q How old are you? A 54.
Q What is your postoffice address? A Catoosa.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know Hannah Ross, the wife of Edmond Ross, here? A Yes, sir.
Q How long have you known her? A Ever since she was just a girl.
Q How old is she now? A She was born along in '66 or '7, or '8, somewhere along in there.
Q Di you know her father and mother? A Yes, sir.
Q What were their names? A Her father's name was Burgess.
Q His full name? A Some called him Burgess.
Q Burgess what? A Williams, belonged to Buffalohead Williams, my old Mistress' husband.
Q What was Hannah's mother's name? A Sallie Williams.
Q Who did she belong to before the war? A Miss Carr.
Q Was Buffalohead Williams a Cherokee citizen? A Yes, sir.
Q Was Mrs. Carr a Cherokee citizen? A Yes, sir.
Q Do you know where Hannah's mother went during the war? A She went to Gibson and came in the Creek Nation.
Q Did she go out of the Territory during the war? A Not as I know of; I would see her around Gibson there.
Q She came over in the Creek nation during the war? A Yes, sir, about the close of the war.
Q Was it before or after the close of the war? A At the close of the war and in time of the war she was at Gibson.
Q When did you see Hannah's mother in the Cherokee Nation after the war closed? A It was along in '67 or '8, and before that.
Q Before that? A Yes, sir, she used to come up on Spring Creek where we lived.
Q Was she living in the Cherokee Nation then? A Yes, sir, at Gibson.
Q Do you know when she returned to the Nation after the war? A No, sir, I saw her all the time around there.
Q What time in 1867 did you see her first? A Couldn't say what time, because then time———

Q What time of the year? A In the summer time, spring.
Q You think that was in 1867? A '66 and '67 all along, we would see her once in a while.
Q When did you first see Burgess Williams in the Cherokee Nation after the war? A After they were mustered out at Leavenworth, time they all come up on Spring Creek and he went up on Snow Creek and died.
Q What year was that? A I couldn't tell, because we didn't know the year.
Q Where did Burgess go at the beginning of the war? A In the army.
Q You don't know when he first came to the Cherokee Nation after the war? A No, sir, there wasn't no treaty made.
Q Do you know where this woman, Hannah, the applicant, was born? A She was born at Gibson, at least when I first saw her there she was a baby.
Q Living with her mother there? A Yes, sir.
Q Have you ever known Hannah to live outside of the Cherokee Nation? A No, sir, never did, only at Gibson and Spring Creek and 14 Mile Creek.
Q Never lived over in the Creek Nation? A I couldn't say; I always seen her over there. The last time I seen her was at Joe Brown's before him and her married; she may have been over here, but I didn't see her.
Q Has Hannah got a child? A I aint seen them for a good while; I don't know whether she has got one now or not; I live away up here, and I just knowed her and can't tell about her children. We live a good piece apart; I live in Coweescoowee and they live down at Delaware.
Q Do you know whether Hannah has ever been enrolled by the Cherokee tribal authorities? A Yes, sir, my brother, George, witnessed for her twice. I think in the Wallace court and in the '96 before Kern-Clifton; of course all of us knew her.
Q What name did she go by at the time the Wallace roll was made? A I don't know; I guess by the same name now.
Q Was she married to Ross then? A I think so; I am not sure; brother George said he witnessed for her.
Q What district did she live in then? A In Tahlequah district, I believe, I aint sure; she has been living there ever since she has been married in Delaware district.

Commission: Wallace roll of Cherokee freedmen examined and the name of Hannah Ross cannot be identified thereon.

By Mr. Davenport:
Q How old were you when the war broke out? A 10 years old.
Q Where were you living at that time? A Up here on Spring Creek, on the old Ave Vann place.
Q What was Hannah's mother's name? A Sallie.
Q How far did you live from them when the war broke out? A We lived on Spring Creek.
Q Was Hannah born before or after the war? A Away after the war.
Q Do you know whether Sallie, the mother of Hannah, left the Cherokee Nation after the war? A No, sir, she stayed right at Gibson all the time.
Q Is she living or dead? A Dead now.
Q Who did Sallie belong to? A Mrs. Carr.
Q What was her first name? A I don't know her first name.
Q Was she a Miss or Mrs? A She was married. The owner Jess Carr, and they belonged to.
Q Did you leave the Cherokee Nation during the war? A No, sir, we left one year and came back in '65.

Q Where was Sallie living when you come back? A At Gibson. The government moved us to Fort Scott and we come back and found her at Fort Gibson. Her husband was in the army.
Q What was his name? A Josh Williams.
Q Was Sallie any relation of yours? A No, sir, we just know them, because they belonged to our mistress' husband at Park Hill.

Commission: This case is continued until August 15, 1904.

August 15, 1904, applicant appears in person and the Cherokee Nation by its attorney, W. W. Hastings, and the following testimony was introduced:

HANNAH ROSS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Hannah Ross.
Q How old are you? A I don't know exactly.
Q To the best of your knowledge about how old? A About 54, I guess.
Q What is your postoffice address? A Tahlequah.
Q You are the wife of Edmond Ross, are you? A Yes, sir.
Q Who has applied here for enrollment as a Cherokee freedman, what is the name of your father? A Burgess Williams.
Q Is he living? A No, sir.
Q Was he a Cherokee freedman? A Yes, sir.
Q What is the name of your mother? A Sallie.
Q Sallie Williams? A Yes, sir.
Q Is she living? A No, sir.
Q Was she a Cherokee freedman? A Yes, sir.
Q Who did your parents belong to before the war? What is your information, did you ever hear whether they were slaves either one of them? A Yes, sir.
Q But you never heard---A No, sir.
Q Where were you living when you could first remember? A Lived at Fort Gibson.
Q Who with? A My mother lived at Fort Gibson a good while.
Q How long did you continue to live there? A I don't know.
Q About how old were you when you left? A I don't know.
Q Where did you next live? A On 14 Mile Creek.
Q How long did you live there? A I couldn't tell you.
Q Since you can remember have you ever lived outside of the Cherokee Nation? A No, sir.
Q Have you ever drawn money in the Cherokee Nation? A ~~No,~~ Yes, sir
Q How many times? A Once.
Q That the Kern-Clifton payment? A Yes, sir.
Q How long have you been living at Tahlequah? A I don't know exactly how long.
Q Can you give any idea, to the best of your knowledge? A I have been living there about 20 years, I think.
Q Have you got any witnesses in support of your application to testify about your parents, whether or not they were freedmen? A I haven't any here that I know of. I could have gotten some witnesses if I needed any; he had a witness when he was here the last time.

By Mr. Hastings:
Q Who were you living with in Fort Gibson when you ~~could~~ could first remember? A We were staying at William Hudson's at Fort Gibson.
Q And Will Hudson knew you then, did he? A Yes, sir.
Q What was Hudson's wife's name? A Peggy.
Q Was he and his wife living together when you could first remember? A Yes, sir.
Q How long did you live at Hudson's? A I don't know how long I did stay with him.

Q Was your mother alive then? A Yes, sir.
Q When did she die? A I couldn't tell you exactly when.
Q About how long after the war? A I don't know.
Q About how long after the war when your mother died, to your best judgment? A I don't know, I think she died in '86, I think.
Q You wasn't with your mother when she died? A No, sir.
Q You were up at Iola, Kansas? A I was at Parsons, at my aunt's, going to school.
Q What was your aunt's name? A Leah Winfield.
Q When did you first see Leah Winfield? A The first time I saw her, I don't know what year it would be.
Q When did you go to Parsons, Kansas? A I don't know what year I went there in.
Q Did you go up there before you were old enough to remember? A I guess so, let me see.
Q Who took you up there? A My mother sent me there to go to school.
Q That was before you could remember? A I think so.
Q Who took you? A My aunt.
Q Leah Winfield? A Yes, sir.
Q As a matter of fact you were born in Kansas? A Yes, sir, I guess I was.
Q How old are you now? A I think 34.
Q On whose place were you born in Kansas? A I couldn't tell you anything about it.
Q On whose place did they tell you? A I never did ask; I don't know.
Q How far from what town, or in what town? A I don't know.
Q Don't you know anything about near what town you were born? A No, sir.
Q When you were old enough to remember near what town were you living up there? A What town was I born in?
Q Yes, or near, in Kansas? A Iola, I think.
Q When you were first old enough to remember, you were there at Iola? A Yes, sir.
Q Did you go to school there at Iola? A Yes, sir, it seems like I did.
Q With whom did you stay there when you went to school? A My mother.
Q Had she remarried? A I couldn't tell you whether she had or not.
Q Was she living with anybody as husband and wife? A Yes, sir, the other children were living there; my sister is dead.
Q Where did she die? A She died in Parsons.
Q How old were you when you moved away from Iola? A I couldn't tell you.
Q Your best judgment? A I don't know.
Q 10 or 12 years of age? A Maybe, I couldn't tell you, I don't know.
Q You went from Iola to parsons? A No, come to the Nation.
Q How long did you stay down here that time before going back? A I couldn't tell you anything about it; I don't know.
Q A month or two? A A good many years, but I don't know how many.
Q How old were you when you went back? A I must have been over 12 years old.
Q Did your mother die in Kansas? A No, sir, here in the Nation.
Q Did you ever live at Ottawa, Kansas? A No, sir.
Q You did live at Iola? A Yes, sir.
Q And lived at Parsons? A Yes, sir, stayed there and went to school.
Q And lived at Iola until you were about 10 or 12 years old? A I don't know how old I was.
Q That is your best judgment? A It may have been; I don't know, didn't remember the dates of no years.

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DEC 16 1904
COMMISSION TO FIVE TRIBES.

Q You are about 34 now? A Yes, sir.
Q You were born about 1870? A I don't know; the best of my recollection is I am about 34, I don't know exactly.
Q You went from Iola down to Parsons and went to school there?
A Came to the nation and then went to Parsons to school.
Q How long did you go to school there? A I think about four years, I am not sure, I think it was that long.
Q Did you ever see your mother after you went to school at Parsons? A My mother died while I was there; when I came home she was dead.
Q When were you married to Emma Bear? A I don't know exactly, 98 something.
Q Where were you married? A On 14 Mile Creek.

Commission: This case is continued by agreement of the parties concerned until nine o'clock A. M. on Wednesday September 21, 1904.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 16th day of December, 1904.

Clerk of Sawyer
Notary Public.

DEC 1 1904

Cherokee Freedman D-888.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 16, 1904.

In the matter of the application for the enrollment of HANNAH ROSS as a Cherokee freedman.

It appears that on October 14, 1904, the Commission notified the applicant, her attorneys, and the attorneys for the Cherokee Nation that she would be permitted to appear before the Commission on November 16, 1904, when her case would be taken up for final consideration, but that said case was not reached on November 15, 1904, and was taken up on November 16, 1904.

APPEARANCES:
Applicant appears by her husband Edmond Ross and attorneys, Blue & Bulger.
Cherokee Nation by its representative, W. W. Hastings.

ARCH CARTER, being first duly sworn testified as follows:

BY MR. BULGER:
Q What is your name? A Arch Carter.
Q Where do you live? A Tahlequah District.
Q How old are you? A 59.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Are you acquainted with Hannah Ross? A Yes sir.
Q How long have you been acquainted with her? A Ever since she was a little child.
Q Did you become acquainted with her before the war? A I seen her before the war, right about the breaking out of the war.
Q You become acquainted with her a short time after the war did you? A Yes sir.
Q Have you known her continuously since you first become acquainted with her? A Yes sir, I knew her ever since she lived around Fort Gibson.
Q When did she begin to live around Fort Gibson then? A Along in 1869 I believe it was.
Q Were you acquainted with the parents of Hannah Ross? A Yes sir with the father and mother of the child.
Q What was her father's name? A Burgess Williams.
Q Was he a slave of a Cherokee citizen at the commencement of the war of the rebellion? A Yes sir.
Q Was he liberated as such? A He was liberated time of the war.
Q Did he go out of the Cherokee Nation during the war? A Yes sir he went to Kansas in 1863.
Q Did he return to the Cherokee Nation? A Yes sir before the Treaty was ratified.
Q In what year? A 1865 and lived there and worked for John Gladney and Spence Stevens.
Q Did he take his family with him when he went out of the Territory? A I don't know.

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COMMISSION TO FIVE TRIBES.

Q Do you know whether or not he remained in the Territory after he returned? A Yes sir he did for he died up here on Snow Creek.
Q When? A I don't know when it was he didn't live there long after the Treaty was ratified.
Q Do you know whether or not he died after the Treaty or before it was ratified? A Afterwards.
Q Do you know whether or not Hannah Ross has been a resident of the Cherokee Nation since about the time of the war? A I don't know.
Q Do you know whether or not she is a resident of the Cherokee Nation now? A I don't know, I knew her father.
Q To whom did her father belong? A Buffalo-Head Williams.
Q Was Buffalo-Head Williams a Cherokee citizen by blood? A I disremember.

BY MR. HASTINGS:
Q You saw this girl Hannah Ross before the war but you didn't know her? A No sir.
Q Was she a slave then? A Yes sir.
Q You never saw her after the war until about 1869? A No sir.
Q You never saw her mother until about that time? A No sir.
Q You don't know that Hannah and her mother returned until 1869?
A No sir.
Q You are not prepared to swear that? A No sir, but about the father I knew about that.
Q Hannah was herself a slave? A Yes sir.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 24" day of January, 1905.

Charles H. Sawyer
Notary Public.

FILED

O.F.J.

Cherokee Freedmen D 888

a.7.m.c.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hannah Ross as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 27, 1901, Edmond Ross appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of, among others, his wife, Hannah Ross, as a Cherokee freedman. The others included in said application have been otherwise disposed of and their rights to enrollment as Cherokee freedmen will not be considered in this decision. Further proceedings in the matter of said application were had on July 27, August 16, September 21, and November 16, 1904, at Muskogee, Indian Territory.

After ample opportunity having been afforded, the applicant, Hannah Ross, has failed to establish by satisfactory evidence that she possesses any rights to enrollment as a Cherokee freedman, and she cannot be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 344-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), and Moses Ross (I.T.D. 6056-04), the application for the enrollment of Hannah Ross as a Cherokee freedman should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman

(SIGNED). T. B. Needles
Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
JUN 16 1905

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Hannah Lo..., et al.

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

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COMMISSIONERS
TAS. BIXBY
TAS. A. SCROGGS
J. W. BRECKINRIDGE

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-888.

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Edmond Ross, for the enrollment of his wife, Hannah Ross, as Cherokee freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show whether or not the said Hannah Ross, or her parents, were the slaves of a Cherokee citizen at the commencement of the war of the rebellion, and returned to the Cherokee Nation after the war and within the time provided in the treaty of 1866.

The applicant, Edmond Ross, has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M. on Wednesday, July 27, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as may be desired in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

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COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-888.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of Hannah Ross as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-62

D.C.29343. J.F.Jr.
I.T.D.8466,8587-1905.

DEPARTMENT OF THE INTERIOR, LLB
L.R.S. WASHINGTON.

July 10, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 16, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Hannah Ross as a Cherokee freedman.

Reporting June 23, 1905, the Indian Office recommended that the decision of the Commission, adverse to the applicant, be approved. A Copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicant filed a motion for review of said decision.

There appears to be no proper reason for granting said motion, and it is accordingly denied.

The Department concurs in the recommendation made, and the decision of the Commission to the Five Civilized Tribes dated June 16, 1905, is hereby affirmed.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
47222-1905.

June 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Hannah Ross.

June 16, 1905, the Commission decided adversely to the applicant.

The record shows that after ample opportunity having been afforded the applicant has failed to establish by satisfactory evidence that she possesses any rights to enrollment as a Cherokee Freedman and she cannot be identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
D. 888.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 21, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application of Hannah Ross for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, July 10, 1906, and that the motion for review of said decision, filed September 7, 1905, was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-25.
LMC

Cher Fr D 889

Cher Fr D 889

File with Cherokee Freedman D- 889, Eva E Anderson

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of William Henry Robinson for the enrollment of himself and seven children as Cherokee Freedmen, and for the enrollment of his wife, as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicants;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A William Henry Robinson.
Q How old are you? A I am about 48, or 9 years old, I don't know my age exactly.
Q What is your postoffice? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q You apply for enrollment as a Cherokee Freedman? A Free colored person living here at the commencement of the Rebellion.
Q Who do you desire to enroll besides yourself? A Self and seven children.
Q Give me the names of your children? A Josie Ann.
Q How old is she? A 26.
Q She will have to enroll for herself, I want the children under 21? A James Aureidus.
Q How old is he? A 18.
Q Next? A Jennetta.
Q How old is Jennetta? A 16.
Q Next? A Charles S.
Q How old is he? A 14.
Q Next? A Amanda Elizabeth, 12.
Q Next? A John Savannah.
Q How old is he? A 10.
Q Next one? A Ollie.
Q How old is Ollie? A 8 years old.
Q Next one? A Next is three years old, his name is William Dewey.
Q That all? A Yes sir, that's all under age.
Q Are you married? A Yes sir.
Q Is your wife a citizen? A Claimant.
Q What is your wife's name? A Millie Robinson, nee Hill.
Q You don't apply for her, you say, has she been listed for enrollment? A No sir, she has not been listed yet, I can enroll her of course, she is married, been married twenty-eight years.
Mr. Smith: Better apply for her.
Com'r: Applies for himself and wife Millie.
Q Are these children all living? A Yes sir.
Q They were all born in the Cherokee Nation? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Two, I am satisfied.
Q What rolls? A Vallese and Clifton.
[illegible] examined roll of citizens of the Cherokee Nation, examined and [illegible] not identified thereon;
[illegible] of citizens of the Cherokee Nation examined and [illegible] found thereon.
[illegible] of citizens of the Cherokee Nation examined [illegible] identified thereon as follows:
[illegible] William Robinson, Cooweescoowee District.
[illegible] roll examined for applicant's wife and not found.
Page [illegible] Jim Robinson, Cooweescoowee District;
Page [illegible] Jennette Robinson, Cooweescoowee District;
Page 121 #2018 Charles Robinson, Cooweescoowee District;

Page 121 #3019 Amanda Robinson, Cooweescoowee District;
Page 121 #3020 John Robinson, Cooweescoowee District.
Page 121 #3021 Olive Robinson, Cooweescoowee District.

Q Is her name Ollie or Alive? A Ollie.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

Page 154 #3269 Wm. H. Roberson, Cooweescoowee District.

Wallace roll examined for applicant's wife Millie, and not identified thereon.

Q Did you draw Strip money for your wife? A No sir.

Examined by Attorney Smith:

Q Where were you living when the war commenced, the Civil War?
A Best of my recollection, I was living in Delaware District, on the place they call Beatty's Prairie, in the Cherokee Nation.

Q Who was your father? A Munford Robinson.
Q Who was your mother? A Annie Robinson.
Q You were a free colored person? A Yes sir.
Q You were here at the time the war commenced? A Yes sir.
Q Did you go out? A Yes sir.
Q Where did you go? A To Ft.Scott, Kansas.
Q When did you return first to the Cherokee Nation? A In May, '66.
Q Where have you been living since that time? A In the Indian Territory.
Q What Nation? A Cherokee Nation.
Q Have you any children now older than James A.? A Yes sir.
Q Name them? A Josie Ann and Eva Ellen.
Q Is Josie Ann married? A Yes sir, her name is Josie Ann Slaughter
Q Where does she live? A At Dewey, Cooweescoowee District, Cherokee Nation.
Q What is your other daughter's full name? A Eva Ellen Anderson.
Q Tell her husband's first name? A Arthur.
Q What is Slaughter's first name? A Charlie.
Q Have they any children, either one of them? A Slaughter has a step-child.
Q But your daughter I speak of? A Yes, one.
Q What is that child's name? A Smith. Married a second time; her first husband was Smith, second husband was Slaughter, that's the one she lives with now.
Q What is the christian name of the child? A Sadie.

Examined by Cherokee Representative, Davenport:

Q Now Robinson, you were living at what point in the Cherokee Nation when the war broke out? A I was living on the place they call Beatty's Prairie, near the neutral land in the strip, I think it is in Delaware District.
Q Who were living near where you were living at that time? A Old man Named McGee is the only one.
Q Was that Jeff? A I don't know.
Q Was Joe Ward living there? A I don't know anything about that.
Q Where was Jim Yeargin's family? A I don't know.
Q How old were you when the war broke out? A Between seven and eight years old.
Q How old is your oldest child now? A 26.
Q You went out of the Nation during the war and to what point did you go? A Fort Scott.
Q How long did you stay at Ft.Scott? A During the war.
Q That's where you got acquainted with William Y. Foreman?
A First of my recollection; of course I had seen him before, but I didn't get acquainted with him.
Q You came back to the Cherokee Nation when? A In '66, May.
Q You came back before or after the Treaty was made? A After.
Q Did you come back in May? A May.
Q When you came back to what point in the Cherokee Nation did you come? A Big Cabin Creek, not very far from Lee Schrimsher's old place.
Q Who was living on the Lee Schrimsher place at that time, if any

one? A Mr. Foreman, I believe,

Q Where was Newt Schrimsher when you came back? A My recollection is he lived over east somewheres, I don't know where.

Q Where was Reuben Sanders, and Solon James? A I don't know a thing about Solon James, but I remember Reuben Sanders and them, they lived on Big Creek. I don't know whether they came there after, or I think it was just about the time I moved in here.

Q William Foreman, did he live in Cooweescoowee or Delaware District at that time? A He lived in Cooweescoowee.

Q He is the same William Foreman that you and your brothers and sisters gave the one hundred and twenty-five dollars to to swear for you in the Kern-Clifton enrollment isn't he? A Same man.

By Mr. Smith:

Q What did you give him $125dollars to swear for you for? A That's his price, he charged that, and more than that he was to follow the court in case of rebuttal he was to see that we wasn't injured, and he had to travel backwards and forwards on the railroad and pay his expenses, consequently we just volunteered to give him that amount.

Q Who is William Foreman? A A Cherokee man.

Q Was he acquainted with the facts in your case? A Yes sir.

Q Did you hire him to swear to anything that wasn't the facts? A No sir.

By Mr. Davenport:

Q You just simply hired him to represent, be your brains? A No sir.

Q Was that Mr. Blythe living there near you before the war? A No sir.

By Com'r Needles:

Q This man Foreman, he was also acting kind of attorney was he?

A Might determine it that way, children you know, our parents deceased.

Q Was anybody else included in that 125 dollar fee besides your family? A No sir.

By Mr. Smith:

Q Was Foreman an older man than you? A Yes sir indeed.

Q You say he was acquainted with the facts in your case?

A Yes sir.

Q Did he demand that much from you? A He thought it ought to be worth about that much.

Q He knew the facts in your case, were there any witnesses who did know the facts? A There was two others we had that was acquainted with them.

Q That matter of paying Foreman wasn't before this Commission?

A No sir.

Q That was at another time, when the Clifton roll was made?

A Yes sir.

LEWIS WHITMIRE, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q State your name? A Lewis Whitmire.

Q Where do you live? A On Lightning Creek.

Q What is your postoffice? A Hayden.

Q What is your age? A 58 years old.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A I don't know exactly, I guess it has been about 38 or 9 years.

Q Did you know him before the war? A No sir, I knew him in time of the war.

Q Where was he in time of the war? A He was at Ft. Scott.

Q When did you first see him in the Cherokee Nation after the war? A First place I saw him was out here about a mile and a half south-east of Timbered Hill

Q How far from Chelsea is Timbered Hill? A I don't know how far

it is from here, the place I saw him is about eight miles northwest of Vinita.

Q When did you see him first? A It was the winter of '86, I don't know exactly what time; it was winter, I don't know whether it was December of January.

Q You remember how long it was from Christmas? A No sir, I don't remember how long it was until Christmas.

By Mr. Davenport:

Q You remember whether it was before or after Christmas? A I don't remember whether it was before or after Christmas.

Q You came back to the Territory in the summer of '85? A Yes sir I came back here in the summer of '86.

Q And it was sometime in the following winter you saw him? A Yes sir

Q You don't know what time? A No sir.

Q Not what month of the year? A No sir, I don't.

By Mr. Smith:

Q Under what circumstances did you see him? A He was living with his father and mother in a old Government tent; camped right down in the bottom on the bank of Big Cabin Creek; I was horse hunting at that time.

HARRY STILL, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A Since '62.

Q Where was he in '62? A First time I saw him was on the neutral land when we started to Kansas.

Q Who was he with when you saw him first? A His mother and father, and his brothers and sisters.

Q What was his father's name? A Old man Robinson I always called him.

Q You remember his mother's given name? A No sir, I don't remember her given name.

Q When did you first see him in the Cherokee Nation after the war? A In the winter of '68, over here on Cabin Creek, first time, not far from the Newt Schrimsher place.

Q About what time was that? A It was along in the winter of '66 when I saw him there.

Q How many trips did you make back to the Cherokee Nation? A Three

Q When did you come back here the third time? A In the fall of '66

Q About what month? A Sometime in October I think.

Q About how long after that was it before you saw this man William H. Robinson? A Maybe I am mistaken, I went back after Aunt Nancy [illegible] there at Timbered Hill and around William and his [illegible] there that; it was getting kinder late in the year; near the old [illegible] place.

Q And when was it you think? A Sometime in the winter or fall of [illegible] I saw him last part of '66.

Q [illegible] before or after Christmas? A Before.

Q [illegible] of '66? A Yes sir.

Q [illegible] where he has been living since that? A Yes sir.

Q [illegible] A Next time I saw him he was clearing a place after that [illegible] miles from there, and then along in the summer of '68 he [illegible] his brothers worked together up here on Snow Creek. I [illegible] him ever since; we worked there awhile, and he [illegible] there he started a place over here on Cabin [illegible] I have been knowing him around in the Nation, I don't [illegible] places he did live, I have been him up here where he is living now.

Q How long has he been living where he is living now? A I don't [illegible]

Q How long has he been living where he is living now? A I don't know exactly. I have known him out on Caney middle, living out there, and right around in the Nation here all the while, we worked together in 1896.

By Mr. Davenport:

Q When you talked about the neutral land, that was a claim considered part of the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q Was it the first time you have ever testified for Robinson?
A Yes sir.
Q You was around with the Kerr-Clifton Commission in 1896?
A Yes sir.
Q Mr. Robinson was there? A Yes sir.
Q You knew he applied? A Yes sir.
Q They didn't use you them, they used W. Y. Foreman? A Yes sir, he had other witnesses.
Q You knew the same facts then you know now? A Yes sir.
Q And never did tell them? A Nobody never did ask me to tell them.
Q How did it happen you was on Big Creek in the latter part of '66, and saw this fellow? A Went back to get my gunt.
Q Was there a road from Big Creek down towards Saccho River at that time? A No sir.
Q How did you happen to struggle on him? A It was right on my road, right across the prairie.
Q You never lived in that neighborhood towards Big Creek where Sam Webber lived? A No sir, I lived on middle prong of Lightning Creek.
Q How far from Hardent postoffice? A Three or four miles.
Q And you were going up to Newt Satterfield's place to get your gunt
A Yes sir.
Q Was Robinson grown then? A He looked big as he is now, he was a good big fellow; when we went to Kansas together he was nearly grown.
Q Just at the breaking out of the war? A Yes sir, he was a young man, the other boys wasn't as large as he was.
Q You didn't know anything of them when the war broke out? A When we started to Kansas we got with the command taking refugee negroes out here, first time I saw William was up in the Neutral land, and we went together from there to Ft. Scott.
Q There was a whole lot of other colored people along? A Yes sir.
Q You remember him because he was nearly grown? A I remember him and his family because they had people I never forget.
Q What makes you think it was before Christmas in 1866 that you saw them up there on Big Creek? A Because I got satisfied it was.
Q You have stated in which he was your substitution? A I know I went after that because the man died, and the result was I made them.
Q You know that was in the winter of '66? A Yes sir.
Q You know what time the Confederate army went to the Cherokee Nation? A No sir, I know I went with him, and that's about time I saw him over there.

Cross-examination, Mr. Mayes asks questions, re-called and further examined:

Q Where were you born? A In the Cherokee Nation.
Q Your father and mother there? A Yes sir.

By Mr. Davenport:

Q Your parents, where they alive then? A Not that I know of.
Q Mr. Webb's family in Arkansas in '61? A No sir, [illegible] did I know it.

FILMORE HICKS, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Filmore Hicks.
Q Where do you live? A In Vinita now.
Q How old are you? A 53.
Q You know William H. Robinson, this applicant? A Yes sir.
Q How long have you known him? A Ever since the winter of '67.
Q You didn't know him before the war? A No sir.
Q Did you know his father before the war? A No sir.
Q Nor his mother? A No sir.
Q You don't know where they lived before the war? A No, I don't know.

By Com'r Needles:

Q Are you a Cherokee citizen by blood? A Yes sir.
Q You don't know whether this applicant was a slave before the war or not? A No sir.
Q First time you saw him was in January, '67? A Yes sir.
Q Where? A On Cabin Creek.
Q Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q What was he doing then Cap, when you saw him? A They were camped on the Creek there when I saw them.
Q You don't know where they had been during the war? A No sir.
Q Had they just come from Kansas or some other place, or just seemed to be camping there? A They seemed to have been there somewhere-
Q About a year? A No, not that long.
Q What makes you think it was January, '67? A I can tell you; Bill Foreman, I had been hired to Bill Foreman, he moved on Big Creek and from Big Creek back to Cabin Creek; I had been working for him about three months I guess, right along, and I went home about the first of December, he owned me twenty-five dollars, he told me to come back after Christmas about the first of January, he didn't have any money, and I stayed there about four or five days waiting for him.
Q Where was Bill Foreman living then? A On the John Foreman place.
Q How far from the Lee Schrimsher place? A About two or three miles; while I was waiting there for Foreman and hunting around I run across this family; hunted on the creeks there and around through the country, nothing to do but hunt around.
Q How far were they from the Lee Schrimsher or Foreman place when you run across them? A About a mile and a half.
Q Did you work for Bill Foreman around the Foreman place in '66?
A Yes sir.
Q Did you see them there during that year of '66? A No sir.
Q Were you following cattle around over the creeks? A Well, I was driving cattle for Foreman, and driving teams.
Q You had been on the creeks around where you saw them in '67?
A Not much, Foreman never left Big Creek until about December and he came to Cabin Creek, and about the first of December I went home, and about the first of January I came to get my money.
Q Were you with Foreman from May to December, '66? A He never lived there up until then.
Q Were you around the Schrimsher place from May up to '66? A I passed there twice.
Q How far did you work from the Schrimsher place during '66?
A About three or four miles down the creek.
Q Did you see this applicant or his family about the Schrimsher place at any time during the year of '66? A No.
Q How often did you say you passed the Schrimsher place? A I passed there twice. We came there as we moved over and when we came back we come back that way.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q You present a marriage certificate certifying that you married your wife, M'lilie, did you ever have a license? A No sir, them is the first license I got.

Q Never had any license? A No sir, that's the first time we was married, we married only according to customs.

Q Was you ever married but once? A Yes sir, I married twice, but to the same woman.

Q What did you marry twice for? A She come in as a claimant, they failed to respect her much some years ago, and consequently we was advised to marry according to Cherokee laws.

Q When you marry according to Cherokee law don't you have to procure a license? A Them is all the licenses that claimed it was necessary for me to have.

By Mr. Smith:

Q Where did you marry your wife first? A In the Cherokee Nation.

Q How many years ago has that been? A 28 years ago.

Q Have you been living together as man and wife ever since that?

A Yes sir.

Q Who were you married by? A Brother Deceased Nathan Duffin, a preacher.

Q Is he living or dead? A Dead.

Q Is there anyone here who saw you married? A I guess so, Thomas Mayfield was present.

THOMAS MAYFIELD, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Thomas Mayfield.

Q Where do you live? A On Grand River.

Q In what nation? A Cherokee Nation.

Q Do you know this applicant, William H. Robinson? A Yes sir, I know him.

Q You know his wife? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q Who married them? A Nathan Duffin.

Q About how long ago has that been as well as you can remember?

A Right near fifteen or twenty years ago.

Q Might have been near that? A Might have been.

Q You don't know how long it has been? A No sir, I don't know exactly.

Q Was Duffin a preacher? A Yes sir.

Q Where were they married? A Married in my church house there on Grand river, Island Ford.

Davenport, Cherokee Rep've, waives examination.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined: by Com'r Needles:

Q When were you married the first time? A Married that day of August, '72, I believe.

Q You know the reason your name is not on the roll of 1880?

A No sir.

Q Did you ever apply to have it put down? A I applied and I supposed they put it on, but it failed to show up.

Q You applied did you? A Yes sir.

Mr. Smith offers a marriage license, and same is shown Davenport, rep. examination.

Mr. Davenport: The Representative of the Cherokee Nation object to the introduction of the marriage license offered, for the reason that at the time it was [illegible]

ented there was no law in force in the Cherokee Nation authorizing the issuing of marriage certificates according to Cherokee law by which anyone marrying a recognized citizen could acquire property rights in the Cherokee Nation, the law having been repealed on December 16th, 1895, and for the further reason that there was no law authorizing a clerk to issue a certificate of marriage according to the laws of the Cherokee Nation to any parties other than recognized citizens of the Cherokee Nation, and if the clerk violated his duty it would give no force to the applicant in establishing his right as to having been a free colored person at the breaking out of the war and residing in the Cherokee Nation, having returned in accordance with the treaty.

Applicant examined by Com'r Needles:

Q You apply for your wife as an intermarried citizen? A Yes sir.

By Mr. Smith:

Q Did your wife apply for enrollment? A Her mother has a claim on file here, so I understand.

Com'r Needles: William H. Robinson applies for the enrollment of himself and wife and seven children; to-wit: James A., Jennetta, Charles S., Ollie, Amanda E., John S., and William D. Robinson: he avers that he is a free colored person, never a slave, and was a resident of the Cherokee Nation before the adoption of the treaty of 1866; he went out of the Cherokee Nation during the war between the North and the South and returned in the year 1866; he avers that he was married to one Millie Hill, a non-citizen; he however avers that his wife is an applicant or has a claim for citizenship; he presents no proof whatever as to the citizenship of his wife, and her name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he makes verbal proof of his marriage to his wife, Millie, more particularly shown in the testimony; he also files certificate signed by Joe M. Lenay, Clerk of Cooweescoowee District, certifying that he was married in accordance with the laws of the Cherokee Nation on the 10th day of March, 1897, to one Millie Robinson, nee Hill, a citizen of the United States, said certificate being recorded on page 132, book E, of marriage record of Cooweescoowee District; upon examination of the rolls of the Cherokee Nation his name cannot be found upon the authenticated roll of 1880, but he is duly identified upon the Kern-Clifton and the Wallace rolls, and his children are duly identified upon said roll, with the exception of the youngest child, William D., three years of age, which makes it necessary for him to file satisfactory proof of marriage of said child: consequently, said William H. Robinson and his children as enumerated herein, will be duly listed for enrollment as Cherokee freedmen upon a doubtful card, and his wife, Millie, will be duly listed for enrollment as Cherokee freedman by intermarriage or by her inherent rights, as the evidence may develop: he will be duly notified by mail of the action of the Commission on his application when arrived at.

Applicant re-called, supplemental examination

By Smith:

Q Did you have any law case, law case tried in the Cherokee Nation? A No sir.

By Com'r Needles:

Q Ever vote in the Cherokee Nation? A Yes sir.

Mr. Davenport:

Q How did you vote for? A I don't know how many.

Q Joe Lahat? A No, I guess don't kn w as I voted for Joe Lahat to put him to work working for me.

Q How did you vote then? A I voted for the treaty, and I voted for Mr. Buckington, and I voted for you when you was running.

Q And you made all that money? A I knew it.

By Com'r Needles:

Q Mr. Davenport's majority over one? A I don't know that.

Q If it wasn't over one we could throw him out, because yours was illegal, eh? A (No reply)

R. E. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, R. E. Green.

Subscribed and sworn to before me this June 29, 1901.

Signed, T. B. Needles,
Commissioner.

Supplemental Testimony.
F.D.#674.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 27th, 1901.

Supplemental testimony in the matter of the enrollment of William H. Robinson as a Cherokee Freedman; introduced on the part of the applicant:

WILLIAM FOREMAN, being duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith, for Applicant.
Messrs. Hastings and Davenport, for Cherokee Nation.

By Mr. Smith:

Q State your name? A William Foreman.

Q Where do you live, Mr. Foreman? A Near Wagoner.

Q How long have you lived in the Cherokee Nation? A 64 years a little over.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Citizen by blood? A Yes, sir.

Q Do you know this applicant, William H. Robinson? A Yes, sir.

Q How long have you known him? A First knew him in '66.

Q Where? A Near Country on Cabin Creek.

Q In the Cherokee Nation? A Yes, sir.

Q Who was he with at that time? A With his father and mother, they were living there working there.

Q What was his father's name? A Lunford I think.

Q What were they, Mr. Foreman, slaves or free colored persons? A My understanding is that they were free.

Q Where did you first see that family back in the Cherokee Nation after the war? A First saw this boy and his mother near Lees country in May, '66, but his father and mother I never saw since the war

Q Well, how old was William when you saw him in '66, after the war here? A He was a young man probably 18, 17 or 18, somewhere along there, a young man.
Q Did you know the wife or teamster, did you know his mother?
A Yes, sir, I saw her at Fort Scott in '66.
Q What was her name? A I could not tell you.
Q Where did you say you saw her in '66? A I left them at Fort Scott in '66.
Q Now, were you acquainted with his mother before the war?
A No, sir, only at Camp Cemetery in '62.
Q Where was she? A Working there.
Q And they were then refugee persons you say? A Yes, sir, they claimed to be from Arkansas.
Q Well, you were acquainted with this country? A Yes, sir.
Q You know whether they belonged to anybody? A They didn't belong to anybody in this country that I knew of.

By Mr. Hastings:

Q When did you say you knew the applicant first? A I first saw him in '62 at Lee Schrimsher's.
Q Is that the first time you ever saw the applicant? A Yes sir.
Q You testified for him before the Kern-Clifton Commission? A Yes sir.
Q You testified that you saw him on Shoals Creek with Blye in '61?
A No, sir; some of that isn't correct.
Q How do you know this testimony isn't true? A I have seen it and know it is not true.
Q Where did you see a copy? A Some fellow had it there.
Q Fellow L. A. Bell? A I think so.
Q Where were you living in '61? A I was living on Poteau river about six or seven miles below Choctpa.
Q What time of the year was it you saw this fellow? A Along in the fall.
Q How long did you see him there? A I saw him there two different times, I was passing there and stayed all night at Lees country one time.
Q Do you know where this family came from? A No, sir, only what they claimed.
Q What did they claim? A Claimed to come from Arkansas.
Q You swore that they refugees from Arkansas in '64 then didn't you? A I don't know.
Q Did Lee Schrimsher live on the line? A No, sir, lived on Big Cabin Creek.
Q Well, didn't you swear before that you saw this Robinson in '61 or 2 on the neutral land? A I don't think I did.
Q Well, do you deny that now? A Yes, sir, I do.
Q You admit though that you testified for them before the Kern-Clifton Commission? A Yes, sir.
Q How how many did you see in '66 of this family?
A I could not tell, the old man and his wife and a lot of children, this boy and another he claimed to be his family.
Q I thought you said just now you never saw his father?
A I saw him at Lee Schrimsher's in '62.
Q I mean in '66? A I never saw him in '66.
Q Now, who did you see in '66? A I saw this boy and his brother.
Q Was he older or younger? A Older.
Q And you only saw this boy about in '66? A He came there to Lee Schrimsher's in May, '66.
Q How long did he stay in there? A I don't know, he come in.
Q Was Lee Schrimsher there? A No, sir.
Q Who was along with you? A A fellow named Wolf, dutchman.
Q Did he settle there with them? A He did that fall.
Q Where were you being? A I was going up to the Dave Martin place.
Q Who was living there at that time? A Nobody.

Q Did you have a place there at that time? A First bought a place from Tom Hudson and I afterwards sold it to Bill Martin.

Q Was there a place made in '66? A Made before '66.

Q Was any crop in then, '66? A No, sir.

Q Did you put any in? A No, sir, I moved out there and intended to stay and they stold my cattle.

Q Did you have any family with you? A No, sir, just some work hands.

Q Well, how long after that was it before you saw this Robinson family? A The next time I saw this one was when Wallace had the Wallace Court.

Q You don't know what became of them between that and the Wallace Court? A No, sir.

Q Did you see any other members of the family in the meantime? A No, sir.

Q These two then were there alone? A Yes, sir, just the two, they claimed they was camped on Russell Creek; I don't know whether they was or not, I didn't see them.

Q How far was Lee Schrimsher's from Russell Creek? A About 25 miles.

Q Lee Schrimsher lived on Cabin Creek? A Yes, sir.

Q About how far from Vinita? A About ten miles.

Q There was nobody there in this house at that time? A No sir.

Q What were they doing down there? A They came there to see if Lee Schrimsher had come back for they wanted to get work.

Q There were five of these brothers applied before the Kern-Clifton Court? A I don't remember.

Q You charged them $125 didn't you? A I think I did.

Q To testify in that case? A Yes, sir.

Q Are you charging them anything this time? A No, sir; they paid my fare up here from Wagoner.

Q You were at Chelsea when this man applied? A No, sir; I was there three days at Chelsea and I understand he made application after I left there.

Q He was there while you were there? A Yes, sir.

Q And you saw him there? A Yes, sir.

By Mr. Smith:

Q Why did you charge him $125 before the Kern-Clifton Commission?

A I thought it was right that I should have pay for my trouble running around tending to these courts, it cost me something to be here.

Q Where did you have to go to when you testified before the Kern-Court? A I went from Wagoner to Lightning Creek, where the Court was held.

Q Was it at Lightning Creek he made his application? A Yes, sir.

By Mr. Hastings:

Q How far is it from where you lived to Lightning Creek?

A I come around by this place, I suppose it is about 25 or 30 miles.

Applicant offers in evidence some permits issued by the authorities of the Cherokee Nation.

Counsel for Cherokee Nation objects to the introduction of said permits for the reason it is irrelevent, incompetent and immaterial.

Permits are permitted to be filed.

J. O. Rogson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rogson.

Subscribed and sworn to before me this 15th day of July, 1901.

Signed, T. B. Needles, Commissioner

[redacted]

[redacted]

AVAILABLE COPY

DEPARTMENT OF THE INTERIOR
COMMISSION OF THE FIVE CIVILIZED TRIBES
FILED
JUN 16 1931

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

In the matter of the application of Arthur Andersen for the enrollment of his wife, EVA ELLEN ANDERSON, as a Cherokee Freedman; said Andersen being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Arthur Andersen.
Q How old are you? A 20.
Q What is your post office address? A Nowata.
Q Do you want to be enrolled as a Cherokee Freedman? A No, sir.
Q For whom do you apply? A I want to apply for my wife.
Q What is the name of your wife? A Eva Ellen Andersen.
Q How old is she? A 26.
Q Have you got any children? A No, sir.
Q Is your wife's name on the roll of 1880? A I think so.
Q What was your wife's father's name? A William H. Robinson.
Q What was her mother's name? A Millie Robinson.
Q Are they living? A Yes, sir..
Q Were you ever married before you married Eva Robinson? A No, sir.
Q Is she living at this time? A Yes, sir.
Q Is her name on any of the rolls of the Cherokee Nation?
A I think.
Q On what roll? A On the 1896 Roll.
Q Have you drawn what is known as Kern-Clifton money?
A Yes, sir, I think she did; we wasn't married at that time.

The 1880 and 1896 census Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife not found thereon.

The Kern-Clifton Roll of freedmen of the Cherokee Nation examined and name of applicant's wife found thereon, page 121, #3015, Eva Robinson, Cooweescoowee District.

Q Who does your wife claim citizenship through, her father or mother? A Father.
Q Has he been listed for enrollment her? A Yes, sir.

COM'R NEEDLES: Arthur Andersen applies for the enrollment of his wife, Eva E. Her name cannot be found upon the authentication roll of 1880 or upon any roll of the Cherokee Nation except the Kern-Clifton Roll. He avers that he was married to her and her father's name is William H. Robinson. He claims citizenship for his wife through her father who was listed for enrollment upon doubtful card #674. The testimony taken in the case of William H. Robinson will be made part of the record in the case at bar and a copy thereof filed herewith. Said Eva E. Anderson nee Robinson, having made satisfactory proof as to her residence, will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting further consideration of the Commission. Applicant will be notified by mail of the action of the Commission.

---oooOOOooo---

J. G. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Rossen

Subscribed and sworn to before me this 12th day of July, 1901.

Commissioner.

FD 889

SEP 20 1901

[redacted]

the original filed with the

DAWES COMMISSION

OCT 18 1901

NOTICE!

IN THE MATTER OF the application of Eva E. Anderson for enrollment as Cherokee Freedmen:

Case No. F. D 889

To Eva E. Anderson Nowata I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

N. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

To be filed in C.F.D. 889

R
C.F.D.-674.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of William H. Robinson for the enrollment of himself, wife and children as Cherokee Freedmen.

Appearances:
Mr. Mellette, of Mellete & Smith, Vinita, I. T., attorneys for the applicants;
W. W. Hastings, attorney for the Cherokee Nation.

Elizabeth Davis, being first duly sworn, and being examined testified as follows:
By Mr. Hastings:
Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 57.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long has Fort Scott Kansas been your post office? A Since '63.
Q You formerly lived in this country? A Yes sir.
Q Do you know a colored man by the name of Mumford Robinson? A Yes sir.
Q When did you learn to know him? A In 1863. He was at Fort Scott, when I left.
Q Did you continue to live there during the war? A Yes sir.
Q And after the war? A Yes sir, I lived up there right along.
Q Do you know his wife? A Yes sir.
Q What is her name? A Anna.
Q Do you know any of his children? A Yes, I knew his children.
Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tebe and Wesley, and I don't know, he had whole house full.
Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.
Q Did you know them continuously? A Yes sir, they lived right there; I was about two blocks away from them.
Q Did you have occasion to see them frequently? A Yes sir, I saw them pass, they would have to pass my house to go to town.
Q You know where they went to from there or where they were gone? A I don't know where they went to.
Q You know whether they had a house there or not? A Yes sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I knew they owned that and sold it.
Q You positive that they lived there until the fall or winter of '69? A Yes sir, I am positive; how that is, Mrs. Runyan- her father, Mr. Anthony died in July, 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop; him and his son Walter Runyan both died the same month, and left the widow woman and the girls and she got these boys to gather the crop.
By Mr. Mellette:
Q Are you a white woman? A Yes sir.
Q You are of white blood? A Yes sir.
Q You are not of Cherokee blood? A No sir.
Q This W. H. Robinson you have been talking about? A W.H.Robinson is Mumford Robinson's son.
Q Where is Mumford Robinson? A I don't know.
Q Is he alive or dead? A I don't know.
Q When did you see him? A I haven't seen him since '69, or heard of him.

Q You don't know whether the applicants here are the persons you knew in Fort Scott or not do you? A I know that Mumford didn't, I know that; I don't know whether these are them or not.
Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, no sir.
Q Were you ever married? A Yes sir.
Q Married now? A No sir, I am a widow woman.
Q Who was your husband? A S.S.Davis.
Q Ever married to any one else? A No sir.
Q Did you at one time live with a man named Alonzo Manley? A No sir.
Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonzo Manley, what are you talking about?
Q I just asked you that question? A Well indeed I guess I didn't.
Q Did you know him? A Yes sir, I knew him.
Q Where did you know him? A I knew him from '65 until '70, along in '70's somewheres.
Q How long has it been since you saw Mumford Robinson? A '69.
Q How long has that been? A I don't know; I haven't counted it up.
Q Well try to count it up? A 32 years or 33.
Q Now can you remember back every person that you saw in '69, 32 years ago? A Well I could remember their names their names and remember seeing them.
Q Can you remember when you last saw everybody that you saw in '69? A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw those boys.
Q You remember you saw Mumford Robinson dig potatoes in '69? A I saw the two boys and their mother I told you.
Q Did they ever dig potatoes at any other time? A Notthat I know of.
Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.
Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.
Q You didn't bring the Bible with you? A No sir.
Q Mayve that is like the Bible that was not made in '67? A Probably it is, but it is there and can be prodiced just the same.
Q You didn't bring it with you did you? A No sir.
Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.
Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.
Q You never had this matter called to your attention until then? A No sir.
Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.
Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yessir, I remember the family well, because when I first went to Fort Scott there wasn't very many.
Q How much did you get for coming down here? A I haven't got anything yet.

By Mr. Hastings: I object to that; it is insulting to the witness.

Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.
Q Who is it, what is his name? A Mr. Keyes.
Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.
Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.

By Mr. Hastings: That is not proper cross-examination of this witness.

A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.
Q He is the man that came to you and asked you about them?
A Yes sir.
Q 32 years and nobody had ever called your attention to this fact before that time had they? A No sir.
Q Then you remembered back there it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony
Q How many cases have you been a witness here in? A -
By Mr. Hastings: I submit this is not proper cross-examination, and I object to it.
By Commission: The objection will be noted; answer the question.
A How many have I? Three besides this I believe.
Q Who were they? A
By Mr. Hastings: I submit that that is not proper cross-examination; I object to it.
By Commission: Objection noted; answer the question.
By Mr. Mellette: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.
A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Manley case.
Q How old did you say you are? A 57.
Q Were you married in '69? A No sir.
Q How long after that did you marry? A I married in '70.
Q What time in '70? A In March, 1871.
Q What day of March? A 13th of March.
Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.
By Mr. Hastings: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette.)
By Mr. Mellette: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.
By Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.
By Commission: There is offered in evidence by the representatives of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, State of Kansas, on the 7th day of December 1869; same is filed herewith.

Minerva Runyon, being fird duly sworn and being examined testified as follows:
By Mr. Hastings:
Q What is your name? A Minerva Runyon.
Q What is your age? A 48, in my 48th year.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1862.
Q Do you know a freedman up there by the name of Mumford Robinson?
A I do sir.
Q Do you know his wife? A Yes sir.
Q What was her name? A Her name was Annie.
Q Did you know any of their family? A I do.
Q Name as many of them as you can remember now? A William, James, Alonzo, Fatette, Tobe and Wesley, that was the boys in the family, and there was Elizabeth Jane and Mary and Martha and Melvina, them was the girls.
Q Who did Melvina marry? A I don't know.
Q Did you ever know one of them married Mr Hill? A Yes sir.

Q What was her name? A Mary Ann.
Q When did you first learn to know this family? A In '62 when I came there they was there.
Q Neighbots from '62 until '69 continuously? A Continuously, they might have been there a little longer than that, but that much any way.
Q How do you fix the date, Mrs. Runyon, that you knew them? A Well I fix the date by father's death.
Q When did your father die? A Father died July 13th, 1869.
Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tobe.
Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.
Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.
Q You are a citizen of the State of Kansas? A Yes sir.
Q Don't claim citizenship down here? A No sir.
Q You came down here by a sunpoena as a witness? A I did.
Q You knew the family well I suppose? A I knew the family well.
By Mr. Mellette:
Q You are a white woman? A I am a white woman.
Q Did you say your age was 40? A My age is 48, in my 48th year.
Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.
Q They are colored people? A Yes sir.
Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them, I remember them distinctly.
Q Have you read the testimony given in this case since you came here, has it been read to you? A The testimony?
Q Yes, that they gave, giving the names of the children? A No sir.
Q Have you had the names called to your attention since you came here the names of the children? A I don't think I have.
Q You could remember the names of those children 32 years? A Indeed I could, every one of them.
Q You have remembered them that long? A I have remembered them that long.
Q How old were you when your father died? A I was a girl of about 15 years, 14 or 15 years.
Q And you remember the names of children 32 years you haven't seen since that time? A I do.

By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-677, D-686, D-887, D-869, D-937, D-939, D-942 and D-1018.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green.

I, the undersigned, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

E. L. Rothenberger

F. D-989.

To be filed with C. F. D. 1052, Eugenia Harris.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 23, 1902.

In the matter of the application of Houston West for the enrollment of himself and children as Cherokee freedman.

SUPPLEMENTAL EX PARTE.

APPEARANCES:
A. S. Adams for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court in 1871, as taken from a book from the records of the Executive Department of the Cherokee Nation entitled, Docket of Doubtful Cases for Cherokee Citizenship Court in 1871, and from that part of the book headed Doubtful Roll Sequoyah District, No. 143, the following:

"Henry West.
Decided against claimant June 16, 1871."

The Cherokee Nation also desires to introduce in evidence a decision of what is known as the Chamber's Court, on June 12, 18-, as shown from the citizenship record, No. 1, page 3, in the case of Henry West vs. The Cherokee Nation, the same being signed by John Chambers, President of the Commission, D. P. Stopper, Jacob Downing, Commissioners, countersigned D. L. Michelson, Clerk of Commission, as follows:

"No. 1. Henry West vs Cherokee Nation.	Claim for citizenship, before the Commission on Citizenship, sitting at Tahlequah, C. N., June 12th, 18.

This case, coming under that class of cases of which the Commission have jurisdiction under Act of Dec. [illegible], claiming citizenship under the 9th Article of the Treaty of 1866, in regard to persons of African descent. His statement alleges that he was a slave and owned by a citizen of the Nation and both resident here at the commencement of the Rebellion. Claimant was afterwards sent to Texas, by his owner, but returned to this country, within six months after the ratification of the treaty of 1866.

The [illegible] testimony, seems to be to the time of [illegible] in Henry West [illegible] point [illegible] this is [illegible] are [illegible] in the [illegible] court time of the [illegible] places it, on the 10th day of [illegible] March

in April 1867, is more than six months after the time specified in the said 9th Article of said treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said treaty in the opinion of ha Commission, and consequently they decide that said claimant is an intruder, on the Public Domain of the Cherokee Nation.

Attest:
D. L. Nicholson,
Clerk Comm.

John Chambers,
President Commission.
O. P. Brewer
George Downing, } Comrs."

Attention is called to the fact that at the head of the decision, dated June 12, 18-, that the date is omitted, but the decision on page 8 of the same book, in the case of Mary Ann Trimble vs. the Cherokee Nation, is dated June 7, 1878. And the case upon the page following this decision, the same being that of Orill Miller vs. the Cherokee Nation, is dated June 12, 1879.

MR. MCRAE: To all of which the applicant objects for the reason the cases cited does not tend in any manner to make any issue in this case, and has no bearing whatever. Comes now the attorney for the applicant and objects to the introduction of the records above for the reason that neither of the records cited by the representatives of the Cherokee Nation in this case has any tendency whatever to prove any issue in this case, and for the further reason that the same is incompetent and irrelevant; and further, it appears that in the record as cited, the same being known as the Chambers record, that it appears upon the face of the same there is no year mentioned in the alleged decision of the said Commission as being rendered against Henry West, whose name is not mentioned in the application of the case at bar; and subsequently would have no bearing as to the rights and the status of these applicants. It would further appear that these applicants, Houston West et al, were slaves in the Cherokee Nation before the war of the rebellion, and was owned by a Cherokee citizen by blood. Consequently, the alleged decision as appears against Henry West would have no bearing upon these applicants, the being claimants in their own rights and status. Mr. Hastings, I'll swear you, without waiving any of the objections.

W. W. Hastings, being first duly sworn, testified as follows:

MR. MCRAE: Your name? A. W. W. Hastings.
Q Age and postoffice address? A I am 35 years old and postoffice is Tahlequah.
Q Mr. Hastings, what knowledge or information have you as regards the appointment of the Chambers Commission, by what constituted authority was this Commission appointed? [illegible] constituted Cherokee National Council, [illegible]
Q I will ask you if it is not the law under [illegible] Cherokee Nation that in the appointment of [illegible] on citizenship, if when the census law has [illegible] Commissions regards the same, that before the same can become [illegible] for or against the applicants as appear before these [illegible] Commissions, would have to be ratified by the Council of the Cherokee Nation, ratified by the Council of the Cherokee Nation? A Well

I haven't that ing before me, but I have no doubt from the conclusion that I have read of it that it did admit a great number of people and it didn't take any unequivocal action of the National Council.
Q. Well do you know of your own knowledge or information whether or not there were any persons who appeared before these respective Commissions and their cases were submitted to the Council for admission or rejection? A. There weren't any so far as I know except those that aren't any submitted to the National Council except, so far as I know, except some in 1871; none of these later commissions, they had full authority to investigate and and admit themselves or reject, and this Commission had authority to admit or reject, and the Council have no supervisory control over it.
Q. Then the action of the Commission as regards the enrollment of citizens was final? A. Yes, sir. Now I mean this Commission, yes, sir.
Q. The Chambers Commission? A. Yes, sir. Well I was stating my judgment of the law, I wasn't there, you know, never appeared before it.
Q. How about the Commission of 1871, Knapp or what's the name of that Commission? A. Well, in 1869 an act was passed allowing certain people to go before the Chief Justice of the Supreme Court, and he had hearings up until about in 1872. I don't remember the exact date, but under that class of cases, I understand, but, my recollection was that it was December 3, 1869, but I wouldn't be positive as to that, but rather under that the Justice of the Supreme Court heard applications, and referred them to the National Council, but I know of no other authorities that did. Don't recall any.
Q. The man who presided at the Commission of 1871, chairman of the Commission appointed in 1871? A. I would have to look that up. I believe John S. Vann I and he was along about that time, but perhaps I am mistaken. Well, this record here shows that F. B. Daniels was chief justice in 1871. John S. Vann was along about that time, I don't know who else he went in or out.
Q. The man who presided the Commission appointed to hear citizens who were admitted in '71? A. This book shows that R. B. Daniels was chief justice of the Supreme Court in '71, that book shows that.
Q. I wish to make a further objection as regards the entries of the '71 docket. It is further objected to as regards the introduction of the entries upon the docket of doubtful cases from Cherokee citizenship tribe in '71 for the reason that from the very face of the record produced, that the same appears more like the entries kept upon that of a day book than that of a regular docket kept by a regular organized and a properly constituted court of record.

THOMAS A. WILLIAMS, being first duly sworn, testified as follows:

MR. MCKAY: What is your name? A. My name?
Q. Your name? A. Thomas A. Williams.
Q. Your age? A. I am 41.
Q. Post-office address? A. Muskogee, Indian Territory.
Q. Mr. Williams, are you acquainted with Thomas Buffington and Tompkins? A. Yes, sir, I am acquainted with Buffington and especially acquainted with Willis Vann.

Q How long have you known him? A Well, sir, in 1866 I had a bunch mules, myself and Crosby, and we was keeping them on Carp Creek there right below old man West's, and some time in the early part of the winter perhaps, just before Christmas, two or three or four days, Walk Mayfield brought the family back there, they were chaps.
Q Who was Walk Mayfield? A Walk Mayfield? That was a Cherokee I took him to be.
Q Where was he when you saw him in '66? A I saw them and camped just about-about, when they first came there they came just above where the bridge is.
Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation, because I was crossing there with the mules.
Q Now I will ask you, Mr. Williams, how long have you lived in the Cherokee Nation? A Why, sir, I have lived in and out of the Cherokee Nation, well, let me see, I came in there, I located one year in the Cherokee Nation before I was made a citizen of it.

I was in the Cherokee Nation in '67, the bigger part of the year in '67; then in '74 I came into the Cherokee Nation and made a crop, I believe it was in '74, and then in '77 I became an adopted citizen, and I have been here most of the time since.
Q Were you acquainted with the father and mother of these boys? A Why I have seen them hundreds of times, yes; I didn't have a close personal acquaintance with them because they were left to themselves.
Q You are positive that it was some time in the month of December, '66? A Yes, sir, to the best of my knowledge it was three or four days before Christmas.
Q In the Cherokee Nation? A They were in the Cherokee Nation, because I and Crosby was driving a little bunch of mules we had, toting them over.
Q Well to your knowledge, so far as you know, have they lived continuously in the Cherokee Nation since you first knew them in '66? A Yes, sir to the best of my knowledge their family has lived and remained right there.
Q You have had occasion to see them oftentimes since then? A Very often, we were hunting stock there very often.
Q And you say that your knowledge and acquaintance with Callis is of a very intimate nature? A Yes, sir.
Q And character? A Yes, sir, he a truthful, honest, straight, upright man, so far as I know.
Q You were at one time a recognized citizen of the Cherokee Nation, were you not? A Yes, sir, I was, and drew money from the Cherokee funds.

MR. MASTINGS: When did you draw money? A I think it was in '79 and maybe '80, the record shows. Dawes Commission found me on the record, and you can find me there very easy.
Q Don't you know that they didn't pay out any money either in '79 or in '80 to anybody in the Cherokee Nation, and the records will show it? A Well, I don't remember the exact year, but it was along there somewhere, I drew in Tahlequah and I drew in Vinita.
Q Do you remember more about both of these than you do when you drew money yourself? A I made no mistake of that.
Q Well did you have any intents of seeing him? A I made a mistake of that when I said that he had got in.
Q Some other? A They made some record, that I remember very well.
Q What Callis' wife's name? A I don't know both, which, his first wife.
Q Yes, sir. A I don't remember what his first wife's name was.

Q How many children did he have when you first saw him? A Why he didn't have any one.
Q Did he have a wife? A No, sir, wasn't no wife.
Q About how old was he when you first saw him? A I don't know; he was a kid of a boy.
Q Don't have any idea about that? A No, I couldn't think anything about it.
Q With whom were you living when you first saw him? A I was living with myself.
Q Where? A Why I was going from Fort Smith to Jennie Lind and around; we had a bunch of cattle, they were scattered, and we had some cattle in the Cherokee Nation, and quite a little bunch in Arkansas.
Q Who owned them? A Me and Jesse Crosby, that fell out of a two-story window in Fort Smith and broke his neck in two.
Q He isn't alive now? A No, sir, he's dead now.
Q Did you know any other Cherokees over there in '66? A Why I think I did. Uncle Billie Wilson.
Q He's dead too? A Yes, sir.
Q Was he there in '66? A He was quartered there in '66 I think.
Q Now, Mr. Williams, Walker Mayfield testified, and the record in this case shows, that he returned to the Cherokee Nation there with a crowd of people on the 4th day of April, '67, and the testimony of a number of other reputable witnesses is to that effect; what do you say about that? A Well I will say that I am not responsible for what Walker Mayfield swore.
Q Well do you say that isn't true?
MR. MCRAE: You say that Walker Mayfield has testified to that in this case?
MR. HASTINGS: No, I say he has testified and the record shows.
MR. MCRAE: This record?
MR. HASTINGS: Yes, sir.
MR. MCRAE: This judgment just offered here?
MR. HASTINGS: Yes, sir.
Witness: Well, to the best of my recollection it was three or four days before Christmas that I saw Walk Mayfield here. Whether he went back into the state and came back again into the Nation I don't know.
Q Mrs. D. H. Faulkner swore in '96 that her uncle, Walker Mayfield, came there about the first of April, '67, and that she was teaching school in that vicinity, and that she went out there to meeting. Do you say by that you put your judgment, and you a stranger, as against those who were blood relatives? A I put my recollection, I am telling just as I remember it; it certainly was just before Christmas that we drove our mules over, and the family was certainly there; to the best of my recollection it was just before Christmas.
Q D. H. Faulkner, who lives at Hanson, swears that Walker Mayfield, who was his father's uncle, came back in '67 in April, do you dispute that? A Why I am not disputing. I am telling you the best of my recollection, and I recollect where I first saw Walker Mayfield when I came back for years.
Q Did you not him before the war? A I had been with him a few times.
Q Where did he live? A He lived right close to where the railroad runs now.
Q Did you see him there? A Got him in Fort Smith, and I have seen him over in the nation.
Q In the Nation before the war? A Yes, sir, I was all through that country before the war.

Q- Was Walter Mayfield married before the war? A I don't know anything about his marriage there; I have no knowledge of that.
Q- Did you ever leave the Cherokee Nation before the war? A I had a home, a cattle range, in the Cherokee Nation before the war as a matter of fact.
Q Well, you always had you been there in the Cherokee Nation all the time? A We always had cattle in the Cherokee Nation.
Q Well, where did you mostly live then, though? A Just roughed them and let them run in the woods and carry their own.
Q Then they were pretty scattered on the range? A Scattered all around. They were all over there. And I helped to get a young man by the name of Foley.
Q Where did Foley live? A Somewhere on Bear Creek.
Q You have been here before by the Commission as an applicant for citizenship, haven't you? A Yes, sir. I don't care a thing about the selection. I could easily be a white man as a Cherokee so far as my preference is concerned.
Q Well you have got your money, too? A I have got it, too. The young clerk here, I told him evidently for civil as my preference.
Q Well you don't answer my question. How are you willing to swear as against how other people that did mostly live back there just before Dardanelle, that is to the best of your knowledge?
Q Then you are not positive about it? A To the best of my knowledge. That's what the young man qualified me to swear, to the best of my recollection.

MR. HARRIS: You have knowledge of years, haven't you? A It seems to be like I ought to have; I was born in '61, and I was a United States soldier, and I ought to have been old enough to have some knowledge of things. I wouldn't story for dollars West to get into the Cherokee Nation.
Q Well you don't any more likely to be mistaken in your statement than Mr. Mayfield would be in that? A No, sir.

MR. HARRIS: But Mr. Mayfield testified in '70, only 12 years after that time.

COMMISSION: This testimony will be filed in and made a part of the record in the joint ing Frankfort cases: D-988, Bell, Lucy Mayfield, Walter Mayfield, being that of George West et al, D-989, Young, Lucy Mayfield, D-990, being that of Lucinda Mayfield, et al, D-991, Mayfield, Walter, being that of calling West, Ann in the case of Bell, D-988 and D-989, the case of Houston West et al. It appears from the records of the Commission that the above named claimants are represented by A. S. Mellen.

[illegible]

[illegible]

[illegible]

[illegible] Notary Public.

[illegible]

[illegible] to the [illegible] and [illegible] [illegible] the

Arthur Evans

Subscribed and sworn to before me this [illegible] day of Aug., 1[illegible].

B Jones

Notary Public.

F. D-889.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 22, 1902.

In the matter of the application of Houston West for the enrollment of himself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-889.

APPEARANCES:
A. S. McRae for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court in 1871, as taken from a book from the records of the Executive Department of the Cherokee Nation entitled Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871, and from that part of the book headed Doubtful Roll Sequoyah District, No. 142, the following:

"Henry West.
Decided against claimant June 13, 1871."

The Cherokee Nation also desires to introduce in evidence a decision of what is known as the Chambers Court, on June 12, 18--, as shown from the citizenship record, No. 1, page 2, in the case of Henry West vs. the Cherokee Nation, the same being signed by John Chambers, President of Commission, O.H. Brewer, George Benning, Commissioners, countersigned D. L. Nicholson, Clerk of Commission, as follows:

"No. 1.	Henry West vs Cherokee Nation.	Claim of Citizenship. Before the Commission on Citizenship, Sitting at Tahlequah, C. N. June 12th, 18

This case, comes under that class of cases, of which the Commission have jurisdiction under Act of Dec. 1877, claiming citizenship under the 9th Article of the Treaty of 1866, in regard to persons of African descent. His statement alleges that he was a slave and owned by a citizen of the Nation, and both resident here at the commencement of the Rebellion. Claimant was afterwards sent to Texas, by his owner, but returned in time, that is, within six months from the ratification of the Treaty of 1866.

The facts above are proven satisfactorily, except as to the time of the return to the Nation. This is the turning point in Henry West's case. The Comm find that the only testimony on that point, is the statement of Walter Mayfield, who says that he and claimant returned to the Nation on the 4th day of April, 1867. This is decisive of the case. Claimant came too late. The Commission are confined by the Act establishing the Comm to the time mentioned in the Amendments to the Cherokee Constitution, so far as to the exact time of the ratification of said Treaty is concerned, which places it, on the 19th day of July 1866; and hence claimants return in April 1867, is more than six months after the time specified in the said 9th Article of said Treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said Treaty in the opinion of the Commission, and consequently they decide that said claimant is an Intruder, on the Public Domain of the Cherokee Nation.

Attest:
D. L. Nicholson,
Clerk Comm.

John Chambers,
President Commission.
G. P. Brewer,
George Downing, } Comrs."

Attention is called to the fact that at the head of the decision, dated June 12, 18--, that the date is omitted, but the decision on page 6 of the same book, in the case of Mary Ann Trimble vs. the Cherokee Nation, is dated June 7, 1878, and the case upon the page following this decision, the same being that of Grill Miller vs. the Cherokee Nation, is dated June 12, 1878.

MR. McRRA: To all of which the applicant objects for the reason the cases cited does not tend in any manner to prove any issue in this case, and has no bearing whatever. Comes now the attorney for the applicant and objects to the introduction of the records above for the reason that neither of the records cited by the representatives of the Cherokee Nation in this case has any tendency whatever to prove any issue in this case, and for the further reason that the same is incompetent and irrelevant; and further, it appears that in the record as cited, the same being known as the Chambers record, that it appears upon the face of the same there is no year mentioned in the alleged decision of the said Commission as being rendered against Henry West, whose name is not mentioned in the application of the case at bar, and consequently would have no bearing as to the rights and the status of these applicants. It would further appear that these applicants, Houston West et al, were slaves in the Cherokee Nation before the war of the rebellion, and was owned by a Cherokee citizen by blood. Consequently, the alleged decision as appears against Henry West would have no bearing upon these applicants, they being claimants in their own rights and status. Mr. Hastings, I'll swear you, without waiving any of the objections.

W. W. HASTINGS, being first duly sworn, testified as follows:

MR. McRRA: Your name? A W. W. Hastings.
Q Age and postoffice address? A I am 58 years old and postoffice is Tahlequah.
Q Mr. Hastings, what knowledge or information have you as regards the appointment of the Chambers Commission, by what constituted authority was this Commission appointed? A By an act of the Cherokee National Council, as I am informed and the records show.
Q I will ask you if it is not the law under the Constitution of the Cherokee Nation that in the appointment of these alleged commissions on citizenship, if when the Commission has concluded its duty as regards the same, that before the same can become a law, either for or against the applicants as appear before these respective Commissions, would have to be ratified by the Council of the Cherokee Nation, ratified by the Council of the Cherokee Nation? A Well I haven't that law before me, but I have no doubt from the decisions that I have read of it that it did admit a great number of people and it didn't take any subsequent action of the National Council.
Q Well do you know of your own knowledge or information whether or not there were any persons who appeared before these respective commissions and their cases were submitted to the Council for admission or rejection? A There weren't any so far as I know except there weren't any submitted to the National Council except, so far as I know, except some in 1896; none of these later Commissions, they had full authority to investigate and admit themselves or reject, and this Commission had authority to admit or reject, and the Council have no supervisory control over it.

Q Then the action of the Commission as regards the enrollment of citizens was final? A Yes, sir. Now I mean this Commission, yes, sir.
Q The Chambers Commission? A Yes, sir. Well I am stating my judgment of the law, I wasn't there, you know; never practised before it.
Q Now about the Commission of 1871, known as what's the name of that Commission? A Well, in 1869 an act was passed allowing certain people to go before the Chief Justice of the Supreme Court, and he had hearings up until sometime in 1871. I don't remember the exact date, but under that class of cases and under that act, my recollection is that it was December 3, 1869, but I wouldn't be positive as to that, but anyhow under that the justice of the Supreme Court heard applications, and referred them to the National Council, but I know of no other authorities that did; don't recall any.
Q Who was the president of the Commission of '71, chairman of the Commission appointed in 1871? A I would have to look that up. I believe John S. Vann; I know he was along about that time, but perhaps I am mistaken. Well, this record here shows that R. B. Daniels was Chief Justice in '71. John S. Vann was along about that time, I don't know now just when he went in or out.
Q Who was the member of the Commission appointed to hear citizens who made application in '71? A This book shows that R. B. Daniels was Chief Justice of the Supreme Court in '71; that book shows that.
Q I want to make a further objection as regards the entries of the '71 docket. It is further objected to as regards the introduction of the entries upon the docket of doubtful cases for Cherokee citizenship tried in '71 for the reason that from the very face of the record produced, that the same appears more like the entries kept upon that of a day book than that of a regular record kept by a regular organized and a properly constituted court of record.

THOMAS A. WILLIAMS, being first duly sworn, testified as follows:

MR. McNEA: What is your name? A My name?
Q Yes, sir. A Thomas A. Williams.
Q Your age? A I am 61, going on 62.
Q Postoffice address? A Muldrow, Indian Territory, Sequoyah District.
Q Mr. Williams, are you acquainted with Houston West and brothers? A Yes, sir, I am acquainted with Houston and especially acquainted with Willis West.
Q How long have you known him? A Well, sir, in 1866 I had a bunch of mules, myself and Crosby, and we was keeping them on Coop Creek there right below old man West's, and sometime in the early part of the winter perhaps, just before Christmas, two or three days, Walk Mayfield brought the family back there; they came down.
Q Who was Walk Mayfield? A Walk Mayfield? That was a Cherokee I took him to be.
Q Where was he when you saw him in '66? A I saw them and camped just about-about, when they first came there they came just down where the bridge is.
Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation, because I was working there with the place.
Q Now I will ask you, Mr. Williams, how long have you lived in the Cherokee Nation? A Why, sir, I have lived in and out of the Cherokee Nation, well let me say, I came in there, I looked out year in the Cherokee Nation before I was made a citizen of it. I was in the

Cherokee Nation in '67, the bigger part of the year in '67; then in '74 I came into the Cherokee Nation and made a crop, I believe it was '74, and then in '77 I became an adopted citizen, and I have been here most of the time since.
Q Were you acquainted with the father and mother of these boys? A Why I have seen them hundreds of times, yes; I didn't have a close personal acquaintance with them because they were left to themselves.
Q You are positive that it was sometime in the month of December, '88? A Yes, sir, to the best of my knowledge it was three or four days before Christmas.
Q In the Cherokee Nation? A They were in the Cherokee Nation because I and Cresby was driving a little bunch of mules we had, taking them over.
Q Well to your knowledge, so far as you know, have they lived continuously in the Cherokee Nation since you first knew them in '88? A Yes, sir, to the best of my knowledge their family has lived and remained right there.
Q You have had occasion to see them ertimes since then? A Very often, we were hunting stock there very often.
Q And you say that your knowledge and acquaintance with Callis is of a very intimate nature? A Yes, sir.
Q And character? A Yes, sir, he is a truthful, honest, straight, upright man as far as I know.
Q You were at the time a recognized citizen of the Cherokee Nation, were you not? A Yes, sir, I was, and drew money from the Cherokee funds.
MR. HASTINGS: When did you drew money? A I think it was in '75, and maybe '88, the record shows. Dawes Commission found me on the record, and you can find me there very easy.
Q Don't you know that they didn't pay out any money either in '75 or in '88 to anybody in the Cherokee Nation, and the records will show it? A Well I don't remember the exact year, but it was along there somewhere, I drew in Tahlequah and I drew in Vinita.
Q Do you remember more about when you saw Callis West than you do when you drew money for yourself? A I made no minute of that.
Q Well did you make any minute of seeing him? A I made a minute of some cows that he had got in.
Q Some cows? A They made some record, that I remember very well.
Q What's Callis' wife's name? A I don't know both which, his first wife?
Q Yes, sir. A I don't remember what his first wife's name was.
Q How many children did he have when you first saw him? A Why he didn't have any one.
Q Did he have a wife? A No, sir, wasn't no wife.
Q About how old was he when you first saw him? A I don't know; he was a kid of a boy.
Q Don't have any idea about that? A No, I couldn't think anything about it.
Q With whom were you living when you first saw him? A I was living with myself.
Q Where? A Why I was going from Fort Smith to Muskogee land and around; we had a bunch of cattle, they used scattered, and we had some cattle in the Cherokee Nation, and quite a little bunch in Arkansas.
Q Who owned them? A We and Jesse Crosby, that fell out of a freestone window in Fort Smith, and broke his neck in two.
Q He isn't alive now? A No, sir, he's dead now.
Q Did you know any other Callises over there in '88? A Why I think I did, Uncle Billie Wilson.
Q He's dead now? A Yes, sir.

Q Was he there in '90? A He was transferred there in '88 I think.
Q Now, Mr. Williams, Walker Mayfield testified, and the record in this case shows, that he returned with Purpose Nation there with a crowd of people on the 4th day of April, '87, and the testimony of a number of other reputable witnesses is to that effect; what do you say about that? A Well I will say that I am not responsible for what Walker Mayfield swore.
Q Well do you say that isn't true?
MR. McRAE: You say that Walker Mayfield has testified to that in this case?
MR. HASTINGS: No, I say he has testified and the record shows.
MR. McRAE: This record?
MR. HASTINGS: Yes, sir.
MR. McRAE: This judgment just offered here?
MR. HASTINGS: Yes, sir.
Witness: Well, to the best of my recollection it was three or four days before Christmas that I saw Walk Mayfield here. Whether he went back into the state and came back again into the Nation I don't know.
Q Mrs. E. M. Faulkner swore in '88 that her uncle, Walker Mayfield, came there about the first of April, '87, and that she was teaching school in that vicinity, and that she went out there to see him. Do you say now that you put your judgment, and you a stranger, as against those who were blood relatives? A I put my recollection. I am telling just as I remember it; it certainly was just before Christmas that we drove our mules over, and the family was certainly there; to the best of my recollection it was just before Christmas.
Q D. V. Faulkner, who lives at Hanson, swears that Walker Mayfield, the wife's uncle, came back in '87 in April, do you dispute that? A Why I am not disputing; I am telling you the best of my recollection, and I recollect where I first saw Walker Mayfield when I came back from Texas.
Q Did you know him before the war? A I had seen him [illegible].
Q Where did he live? A He lived [illegible] to where the railroad runs now.
Q Did you see him there? A Met him in court with, and I have seen him over in the Nation.
Q In the Nation before the war? A Yes, sir, I was all through that country before the war.
Q Was Walker Mayfield married before the war? A I don't know anything about his marriage there; I have no knowledge of that.
Q Did you ever know the Cherokee Nation before the war? A I had a home, a solid home, in the Cherokee Nation before the war as a matter of fact.
Q Well now where did you keep those cattle in the Cherokee Nation in '60? A We brought some cattle in the Cherokee Nation.
Q Well where did you keep them then? A Just herded them and let them run until we came and drove them out.
Q Then they were just scattered on the range? A Scattered all around, they was all over there; and I brought some down [illegible] by the name of Price.
Q Where did you live? A Cherokee on Grey Creek.
Q You have just now been injected by the Cherokee as an applicant for citizenship, haven't you? A Yes, sir, I don't care anything about the Cherokees. I would rather be a white man than a Cherokee so far as my preference is concerned.
Q Will you have got your preference? A I have got it, too. The young chief here, I like his [illegible] for chief, so my preference.
Q Will you just answer my question, how did you [illegible] to know as resident there other people land the family came back there

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(Seal)

[illegible]

To be filed with D-[illegible] Eva E. Anderson.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. May 27, 1903.

In the matter of the application of William E. Robinson for enrollment as Cherokee Freedman.

SUPPLEMENTAL TO D)674.

APPEARANCES:
Mellette & Smith for applicant
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced by the Cherokee Nation in the case of Freedman Doubtful 518, as well as in the case of Freedman Doubtful 200, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects because the evidence now offered was not taken under any rule of this Commission with reference to notice to the applicant or opportunity for cross-examination. The applicant further objects because the same is not the best evidence, because it is incompetent in the manner and form offered.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedman cases: Martha M. Hill, D-1518, Eva E. Anderson, D-[illegible], Melvina Martin, D-587, Tobe Robinson, D-[illegible], Josie A. Slaughter, D-687, in addition to the case at bar, being that of William E. Robinson, D-674; also in the case of J. W. Robinson, D-[illegible]. The applicants in the above named cases are represented by Mellette & Smith.

Arthur G. Gruninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Gruninger.

Subscribed and sworn to before me this 9th day of July, 1903.

(Seal) (Signed) P. G. Hunter,
Notary Public.

I, the undersigned, being first duly sworn, as stenographer to the Commission to the Five Civilized Tribes, do hereby swear that I took the above and foregoing testimony and that the same is a true and complete copy of the original stenography.

Frances S. Pitchlit

Subscribed and sworn to before me this 6th day of December.

[illegible]
Notary Public.

SUPI. C. D. Feld. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1908.

[illegible] TRUSTEES in the matter of the enrollment of [illegible] as a Cherokee [illegible], intermarried as part of the Cherokee [illegible].

[illegible] the [illegible] rules satisfactorily [illegible] for the [illegible] that [illegible] be introduced.

representatives of the Cherokee Nation tender to Kingsport the right of their territory. Be and hereby is citizenship in the Cherokee Nation to the officers of the commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the commission during the usual business hours.

The Cherokee Nation represented by its roll commission, H. Dean.

We, the undersigned, being duly sworn, testified as follows on behalf of the Cherokee Nation.

MR. SPILLER

Q. Tell him your name? A. C. S. Harris.
Q. Age? A. 65 years old.
Q. Place of residence? A. Claremore.
Q. Are you a citizen of the Cherokee Nation? A. Yes, sir.
Q. How long have you been such? A. All my life, a little over 65 years.
Q. Did you come to this country during the Civil War?
Q. When did you return? A. 66.
Q. Where did you come to? A. Come to Fort Gibson.
Q. And stayed there did you? A. Yes, sir.
Q. Do I read into your testimony? A. After I came back?
Q. Yes? A. I followed freighting for something over three years.
Q. Where was between that place? A. Baldwin and Pleasant Hill and Kansas City to Fort Gibson.
Q. Were you ever acquainted with a Freedman by the name of George Whitfield? A. Yes, I know him.
Q. Where did he belong before the war? A. He belonged to Uncle Charley Vantrist.
Q. Do you know what territory Whitfield belonged?
A. I don't remember whether he belonged to George Whitfield or the Whitfield.
Q. If you did see him then did you first see George Whitfield after the war, after his return to the Cherokee Nation?
A. Yes, well as I can remember it was in February. We I was then on this side of the Neosho River, he was down south and in this country from Kansas. There was between us, then as he is yonder and I was then living on this side of the Neosho River. He came down from Kansas and through Fayetteville and Fort Gibson and Major Wright's place, near to the ferry.
Q. Did you have any conversation with him, and tell what was said?
A. Yes, sir, and all still Bose began while I was talking to him, going to make about.
Q. Did you see any other Freedmen? A. Yes, sir, I saw some of them every.
Q. Tell this and do you remember the Scaly Leg Freedmen?
A. Yes, mostly every one and household going to Kansas.
Q. Getting all through? A. Yes, sir, I saw a lot of them change the nation.
Q. Now, that was about how many years? A. Well, I don't remember the exactness of the time, but I know it was right after the Civil War.
Q. Now, that was the Neosho River? A. Yes, I know it was a time.

Q Now, you, on the north line of the Cherokee Nation?
A I think he gives in the line, about half a mile.
Q And how far is that from the Kansas line? A The Kansas is the line, as I understand it.
Q You had conference in there the military road crosses the Neosho River? A Yes, sir.
Q At Jack Rabbit's Ferry? A They called it Jack Rabbit Ferry, I think.
Q Had you lived there? A Yes, sir, for about a year.
Q And this Joseph Whitaker you met and talked with in the same one you used to bring Cooks and Mangum up the Military Road, etc? A Yes, sir.
Q About how old a man do you think he was? A He is an elderly man, I think than I am.
Q And you say other w. on his, you know? A I think Sarah Fletcher and Jonny Whitaker and old Major Pulpin in the old one, I know.
Q And you talked with him there? A Yes, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Gen. Hunter came to Fort Scott.
Q Do you see any more of this man Whitaker lately, now, since this, or not? A No, I don't know where he lives.

MR. HASTINGS, Examining Commissioner:

Q Don't you know he lives on Cow Creek near Baldwin? A No, I don't know for certain I heard he lived on Big Creek. I don't know anywhere he lives. I have saw him every time I have been here. I don't think I ever was at his house.

I hereby certify that the foregoing is a correct transcript of the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

(Signed) A. W. Rosser,

Stenographer.

S. D. 218.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 30, 1902.

In the matter of the application of Edward Wright for a certificate of enrollment as a Cherokee freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

DECISION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 30th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Muskogee, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a certain [illegible] Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Book of the Chambers commission on citizenship," as follows:

No. 55 Edward Wright
vs
Cherokee Nation.

Ex. 7th of June.
Aaron Vann.

Judgment against claimant June 27, 1875.

The Cherokee Nation also offers in evidence from the same record as shown page 57 of said book, the following:

No. 55 Major Wright
vs
Cherokee Nation.

Ex. June 7th. Statement filed on the 8th of June.
1st July app. 1st Aug.
set for trial.

Judgment against claimant June 27th, 1876.

The Cherokee Nation offers in evidence the applicant's application for citizenship in the Cherokee Nation by Lewis Whitley on the 26th day of June, 1896, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

Before the Commission sitting at Tahlequah to hear claims to Cherokee citizenship.

The undersigned claimant in the case of

Lewis Whitley
vs
Cherokee Nation

respectfully presents the following statement of law which accompanies his application.

Section Five of statutes in the [illegible] that the race colored persons from [illegible] of the Cherokee [illegible]

F. D. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1903.

In the matter of the application of Edward Wright for enrollment of himself as a Cherokee freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1903 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on citizenship," as follows:

"No. 85 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 88. Major Wright
vs
Cherokee Nation.

(Ex. June 7th. Statement filed
on the 26 of June.
1st Tuesday, 1st Mon.
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to pay claims to Cherokee citizenship.
The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
[illegible] and following statement of his claim according [illegible] his petition.
[illegible] qualification five of claimants in the [illegible] that he is a colored person formerly [illegible] and servants of the nation of the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1870.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1870. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before Court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs) Tahlequah,
Cherokee Nation.) July 3, 1878.

Mike Smith a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois Dist. C. N. I am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

An a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of hat number. The claimant was one of hem. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kans when they came down here. There was some of party come with the Whitmires whopiloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moses, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting hom es. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsly settled and bare of subsistence. As I was coming down the first time we were overtaken by the Herokee Delegation. They were sore who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick X Fields.
his mk.

Aaron Whitmire)
vs)
Cherokee Nation.) August 1, 1878.
called and sworn.) Bluford Alberty, witness for claimant,

I beside in Coowescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coweescoowee District

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virdifris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most of them. The names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got here. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this in 1866, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves andfamilies. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ranson Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Reigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Ann, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Reigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Moses Whitmire.
mark.

Case 63.

Aaron Whitmire & family)
vs)
Cherokee Nation.)

Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to this Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in said

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coowescoowee, C. N. As a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Hoigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but Ido not recollect anything about hem. They were traveling. They stated they were coming from Fort Scott, Kane, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired he road to Big Creek. Nelson gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invitedthem to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoke of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned befor the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed them over the river. I met some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were some who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party. I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire
Vs
Cherokee Nation.

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools to until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on the Creek of Lightning Creek in the Nation.

The best of [illegible] is in the same location as they at the time mentioned [illegible] colored [illegible] remembered for the [illegible] in the [illegible] field. [illegible] on the [illegible] as much as any in the [illegible] good farms [illegible]

[illegible] of 1880 and this colored [illegible] afterwards in the neighborhood [illegible] their homes. Several [illegible] of which are [illegible] and [illegible] of the [illegible]

[illegible] prospecting the country. [illegible] advised against it [illegible] not [illegible] survivor [illegible] one other. [illegible] good [illegible]

[illegible]

vs

[illegible]

[illegible] I live in [illegible] continued [illegible] month of August [illegible] 1867. [illegible] Also [illegible] Webber, [illegible] foolish [illegible] claimant [illegible] place of [illegible] London. [illegible]

[illegible] coming in to the [illegible] not of [illegible] have been [illegible] 1880. I [illegible] settled [illegible] in [illegible] Alberta [illegible]

About the mid le of Apr 1867 I first saw this party with their families at their new home. Claimant and others of this colored party told witness that they returned in March last to the Nation.

No Digest

I learned from Wood Cooper that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution and to ratify the treaty. The treaty was concluded the 6th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Allberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitrire
vs
Cherokee Nation.

Tahlequah May 16, 1898.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL) (Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Croninger, stenographer to the Commission to the Five Civilized Tribes, do hereby state that the above and foregoing is a true and complete copy of the original notes of the proceedings in the Commission, as the same was copied by me.

Arthur G. Croninger

Subscribed and sworn before me this 16th day of Aug., 1902.

Bruce E. Jones
Notary Public.

To be filed with C. F. D. 888, Eva E. Anderson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 18, 1901.

In the matter of the application of Thomas Mayfield, for the enrollment of himself and others as Cherokee Freedmen.	Supplemental testimony. Cherokee Freedman D-200

Appearances:
Mellette & Smith and Y. P. Bledsoe, for applicants;
N. W. Hastings, for Cherokee Nation.

The attorneys for the Cherokee Nation make proof of the proper service of notice of the introduction of testimony in the above case on this date.

Walter A. West, being first duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Walter A. West.
Q What is your age? A 60 years.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A 60 Years.
Q Were you out of the Nation during the war? A Yes, sir, I was out during the war three or four years.
Q When did you come back to the Cherokee Nation after the war?
A I came back in the spring of '66.
Q Where did you live in the spring of '66? A I lived up on Neosho River after I went up above.
Q How long did you live there? A I lived on Neosho, this side of Neosho River, about two or three months, and then I moved down below.
Q Do you know Thomas Mayfield, the applicant here present?
A Yes, sir.
Q Did you know him before the war? A No, sir.
Q How long have you known him? A I got acquainted with him, I saw him in '66 the first time I saw him.
Q Well where was he? A Well he was on the military road right below where I was living.
Q From what points does that road run? A Runs from Fort Gibson, at that time.
Q Whereabouts does it run north? A Fort Scott, Kansas, and Kansas City and Baxter Springs.
Q Well, state the circumstances of seeing him on the military road?
A I lived there on the military road and he came past my house and camped there nearly, that is when I got acquainted with him, when I saw him.
Q Did he have his family? A He had a family with him I supposed to be his family.
Q Any others along with him? A Yes, sir, Jack Davis, Sandy Bean, and Jack Bean.
Q Had you ever seen him before? A Who you mean, Mayfield?
Q Mayfield? A No, sir.
Q Where had you been living the two years immediately before that, 1867 and '68? A Right on the military road there.

Q How far did Mr. Mayfield live from you after you saw him in '69?
A About five miles.
Q Did he stay there? A Yes, sir, rented a place across the river and lived on the place he rented.
Q Did you know where he was from where you first saw him? A I just supposed he was from up there in Kansas.
Q Tell all the circumstances, what you know about seeing him?
A He came down the road from Kansas, that direction, and he camped there, there is where I got acquainted with him.
Q Was he married? A Yes, sir.
Q Have his talks with him? A Was his family, this woman as lived as Mayfield's wife.
Q That is the first time you saw him in the Cherokee Nation?
A Yes, sir, the first time I saw him.
Q Is there anything that makes you positive about fixing the date in 1869? A No more than this; I had been trading with some government wagons, that is the man that was driving the wagons, selling some hay, the day he come there, and I got my pay for that two or three days afterwards, on the 20th I believe, February, 1866.
Q You mean 1866? A 1869.
Q Did you preserve any letter or document which shows that date when you received the pay for the hay? A Yes, sir, I have a paper that shows the date exactly, but I didn't preserve it at that time, I filed it away with all the papers I have, and I didn't think of it in this other case heretofore.
Q And you have that with you? A Yes, sir.
Q And what date does it show? A It shows I received my money on the 20th, that is my check.
Q On what month? A February, 1869.
Q You were pretty well acquainted in the neighborhood in '69?
A Yes, sir.
Q Had you been the two years previous? A Yes, sir.
Q Did you know any of the colored people who were in the crowd with Thomas Mayfield? A I did Jack Bean, I knew him.
Q Had you know him before the war? A Yes, sir, I knew him before the war.
Q Did you have any talk with him at that time? A Yes, sir, his wife was a servant of my wife's father, and they learned that we were there on the road and they came there and visited us, is how come me to know what I do of these circumstances.
Mr. Smith: Mr. West, you hadn't been acquainted with Thomas Mayfield before the war? A No, sir.
Q The time you speak of is the first time you ever saw him?
A Yes, sir, the first time I saw him.

Q You don't know how long he had been in the Cherokee Nation when you saw him? A No, sir.
Q You don't know whether he had his family with him at that time or not? A No, sir, He had a family but I don't know whethere they were his or not.
Q When did you say you came back to the Cherokee Nation after the war? A I left Red River February 1st, 1866.
Q Where did you go to? A I came on up to Fort Scott, right direct through the country, to where my father lived on this side of Fort Scott, Drywood.
Q How long did you stay there? A Till about the first or middle of May.
Q In what year? A 1866.
Q Then where did you go? A I came down to Tahlequah, in the Cherokee Nation, and there set up my tent and commenced trading and trafficking with the travelers about Tahlequah.

Q How long did you continue in that business? A I continued off and on the season through.
A How long was the season? A From the time I went there till fall.
Q From May until the fall? A Yes, sir.
Q And where did you go from there? A I went lower down on the military road where I was stationed, where I first saw Thomas Mayfield, and I built a house.
Q You built your house then in the fall of 1866? A Part of it, not all of it.
Q When did you build the rest of it? A In 1867.
Q How long after the time you saw Thomas Mayfield was it before you were called upon to remember anything about having seen Thomas Mayfield on that occasion; how many years? A It was during this Kern-Clifton examination.
Q Now you saw him, Thomas Mayfield, you say, in 1869? A Yes, sir.
Q When was the Kern-Clifton Commission? A I am not positive, '65 or '66; not '65, '96 when it was I believe.
Q In 1896 was it? A It seems to me, I am not positive.

Q Then that was about 28 years wasn't it, from the time you had seen Thomas Mayfield? A Yes, sir, from the time I first saw him, but I saw him off and on all the time after I got acquainted with him.
Q You have stated you had no occasion to remember the fact that you saw him upon this particular date in '69 until the meeting of the Kern-Clifton Court? A Yes, that drew my attention to it.
Q That was about 28 years afterwards? A Somewhere along there I guess.
Q Mr. West, did you remember for 28 years without ever having had any occasion to have your attention called to it, that you saw him upon a certain day that you got a letter or pay for the hay, or whatever it was? A Now as far as that is concerned, it is like this we all remember when the people was coming in, and it was common talking when they come in.
Q Just answer that question? A That is the one particular time.
Q So 28 years afterwards you were able to remember that you had seen Thomas Mayfield about the time you got a letter or receipt for some hay or something that you had sold, is that right? A Yes, sir, somewheres along there.
Q Well now Mr. West, what connection was there between Thomas Mayfield and the hay, that you can go back 28 years and remember and fix that date that you saw Thomas Mayfield by the letter which you are now talking about? A I had the transaction as I told you with these government teams, selling them hay, and the very day that he came there, the same day, that is the reason why I know it was the same time.
Q Did you have but one transaction with the Government men? A I had them often, but not as much as that was.
Q How many times have you had transactions with the Government teams about hay? A Two or three different times.
Q Or three or four or half a dozen? A No, not that many.
Q More than three or four? A Not over three or four.
Q How can you go back 28 years and tell which one of those transactions it was you had had, and connect that particular transaction or any one with Thomas Mayfield 28 years after? A Simply I got a paper to that effect on that date.
Q Did that paper say anything about Thomas Mayfield? A No, sir, that transaction never, but because of my knowledge.
Q You say it didn't say anything about Thomas Mayfield? A No, sir.

Q You can go back 28 years and connect Thomas Mayfield with that particular transaction, how do you do that? A Simply I had that transaction at that time.
Q Were there not other transactions? A Yes, sir, but not so great as that was.
Q It couldn't have been some other transaction you had with the Government when you saw Thomas Mayfield? A It might have been some other, but it wasn't, that is all there is about that part of it.
Q Are you able to remember it was this particular transaction?
A Yes, sir.
Q Have you got that letter? A Yes, sir, it is just a receipt (hands Mr. Smith paper.)
Q (Returning paper) Mr. West, all that you claim about the paper about which you have spoken is that it carries that date by which you fix the time? A Yes, sir, it carries it, nearabout it.
Q Did you have that paper: were you a witness before the Kern-Clifton Commission? A Yes, sir, I was.
Q Did you have that paper then? A Yes, sir.
Q When did you hunt that paper up? A I hunted it up during the Court time.
Q Were you subpoenaed as a witness during that Court? A Yes, sir.
Q When did you hunt thepaper up, before or after you were subpoenaed?
A I hunted it up after I was subpoenaed, I didn't have occasion to hunt it up before.
Q You testified, I believe you stated, before the Kern-Clifton Commission? A Yes, sir.
Q Mr. West, you don't know where this man was in '66 do you?
A Not till that date, not before that date.
Q I say you don't know then where he was in '66 or at any time prior to '66? A Only that day of '66 when he passed my house.
Q He passed your house in '66 did he? A In '69 I meant, that is the first time; in '66 I don't know where he was, or any time before '69.

J. L. Thompson, being duly sworn by Commissioner Noodles, testified as follows:
Mr. Hastings: What is your name? A J. L. Thompson.
Q What is your age? A 62.
Q What is your post office? A Vinita.
Q Do you know the applicant, Thomas Mayfield, the colored man there?
A Yes, sir.
Q How long have you known him? A Well, I have to kinder study and tell you.
Q Did you know him before the war? A No, sir.
Q You have only known him since the war? A Yes, sir.
Q Where did you go during the war? A Went to Texas.
Q When did you return to the Cherokee Nation after the war?
A I came to Fort Gibson in December, 1867, and Cabin Creek January, 1868.
Q Well, where did you first locate up in this country, up near Vinita? A Right where I live now, but I didn't own the place then, I only rented it that season.
Q You have lived there ever since 1868? A No, sir, I moved away from there and moved back again.
Q You have lived in the same neighborhood ever since? A Yes, most always.
Q How far does Mr. Mayfield live from you, the applicant? A Where he lives now, just about five or six miles I reckon.

Q When did you first see Mr. Mayfield after the war? A Well, it must have been, to the best of my recollection, about '69 I reckon it was, I am pretty positive it was, to the best of my recollection.
Q Was he up there in that neighborhood when he first returned?
A No, sir, never heard of him.
Q Was there an investigation by the Supreme Court about five years after the war with reference to the return of colored people in the Cherokee Nation? A I don't remember.
Mr. Smith: I object to that as not being apparently the best evidence of the fact.
Q How far has Mayfield lived from you since you saw him in '69?
A He lives about as far now as he ever did.
Q Lives in the same neighborhood then? A Yes, sir, he lived right in the same neighborhood there, probably five or six miles from where he first settled.
Q You didn't know Mayfield before the war? A No, sir.
Mr. Smith: What time did you say it was, Mr. Thompson, when you came back to the Cherokee Nation after the war? A I said I came to Fort Gibson in December, 1867, I came to Cabin Creek in January, 1868.
Q In January, 1868? A Yes, sir.
Q You didn't know Thomas Mayfield before the war? A No, sir.
Q You don't know where he was in 1868? A No, sir.
Q You don't know whether he was in that neighborhood that you went to when you went up there or not? A If he was there I never heard of him, he might have been, as far as I know, but if he was I know I never heard of him.
Q He might have been there though? A He might have been, but I knew most of the darkies in the neighborhood.
Q You can't state he wasn't in that neighborhood when you went there?
A No, sir.
Mr. Hastings: You never saw him? A I never saw him.
Q You were well acquainted throughout the neighborhood? A Yes, sir, I lived there before the war.
Q You were acquainted with it before the war? A Yes, sir.
Q Was it thickly settled or thinly settled? A It was sparcely settled.
Q You knew people from a distance? A Yes, sir.
Mr. Smith: You didn't go around as soon as you got her and found out who was in that country? A No, sir, it wasn't my business.
Q And a man might have been here a year or two before you saw him?
A I don't believe he would have been in the neighborhood, I don't believe that long.
Q You don't know so, but you don't know he couldn't have been?
A Of course it wasn't my business to run around andhunt them up.
Q But you can't say whether Mayfield was there when you came there or not? A I can't positively say he wasn't there, but if he was I didn't see him.

F. L. Martin, being first duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A F. L. Martin.
Q What is your age? A 51.
Q What is your post office? A Pensacola.
Q What was your father's name? A Joseph L. Martin.
Q Do you know the applicant there, Thomas Mayfield? A Yes, I think I do.
Q Did you go out of the Nation during the war? A Yes, sir.
Q When did you come back to the Nation after the war?

A November, '66.
Q Where did you go to? A Went to Texas.
Q Come back with your father? A Yes, sir.
Q Where did you first locate after the war? A We located at our old place, called Greenbrier, on Grand River.
Q Did you know Tom Mayfield before the war? A No.
Q Did you know him after the war? A Yes, I knew him after the war.
Q Do you know when Tom returned to the Cherokee Nation? A No.
Q When was the first time you ever saw him after the war? A The first time I ever saw him to know him was about '69.
Q How far did he locate from you? A About two miles and a half; well I wasn't living there in '69, that is there I live now.
Q How far were you from him when he located there in '69? A I don't know really, I was at my old place I guess down about ten miles.
Q How far were you from where you located in '66? Were you at your old place then? A Yes, in November, '66, about ten miles.
Q You were at the same place in November, '66 and in November, '69 also? A Yes, I made that my home although I did not stay there all the time, I was about from one place to another.
Mr. Smith: You were unmarried at that time? A Yes, sir
Q A young man living with your father, and made that your headquarters? A Yes, sir.
Q Where didyou spend most of the time? A I was here andthere and in Texas and back and forward and on the road a great deal.
Q There part of the time and Texas part of the time and here and there? A Yes, sir.
Q Then that place you speak of was about ten miles from where Mayfield went to live, was it? A Yes, that is where my father lived.
Q At that time you didn't have a home, stayed with your father?
A I didn't have any certain place only at father's.
Q About what age were you then? A About 18 or 19.
Q When was it you first saw Thomas Mayfield? A The first time I remember seeing him I think was about '69, he was running a ferry.
Q And you are not right certain about its being '69? A Well, yes I am pretty certain it was '69 the first time I saw him to know him; if I saw him before I didn't know him.
Q Might that not have been '68? A Well, I don't know as it was, I think it was '69.
Q But you are not positive about it? A No, I will not be positive, it has been so long ago.
Q Well you didn't go back to your father's place at all until in November, 1866? A That is as early as I came there.
Q How long didyou then stay at your father's place after you came back before you went away anywhere? A We were there all winter.
Q Then did you go back to Texas? A No, the next summer I was there and Pryor Creek, did most of the spring and summer.
Q But your father's place was ten miles at least from where Mayfield lived when you became acquainted with him? A Yes, sir.
Q How long was it then before you had a place of your own, and went to living there regularly? A In '72 I moved there in about two miles and a half of him.
Q You have been living in about two and a half miles of him ever since '72? A Yes, sir; that is, until he moved away, he moved away from the place he was living on then seven or eight years ago.
Q You saw him from time to time until the time you became acquainted with him when you would be in the Cherokee Nation? Yes, sir, after I got acquainted with him I saw him often.

Q You of course don't pretend to say he hadn't been living up at a place ten miles away from your place when you became acquainted with him? A No, I don't know how long he was living here at all, only when I first saw him.

Lucien B. Bell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Lucien B. Bell.
Q What is your age? A 63, about.
Q What is your post office? A Vinita.
Q Do you know the applicant Thomas Mayfield? A Yes, sir.
Q He is present here is he? A Yes, sir. that is him right behind Smith.
Q Are you citizen of the Cherokee Nation by blood? A Yes, sir.
Q You go out of the Cheroke Nation during the war? A Yes, sir.
Q What time didyou return to the Cherokee Nation after the war?
A Well, I cam back in the neighborhood of where I settled, right in a mile of where I located, in the latter part of 1867; I came into the Cherokee Nation along in May, 1867, stopped ten miles below there, or twelve, and made a little crop; I located right on Cabin Creek near the military road where it crosses it, on the south side.
Q How far was this from where Mayfield afterwards located, the applicant, Mayfield? A Well, I guess it was three, two or three miles, something like that, three and a half.
Q How long did you live at that place? A Well, if you count me living here now, I have been living here thirty odd years.
Q You own the place now? A I have sold some part of the claim off, but I have got my farm on the same claim.
Q You are familiar with that country? A Yes, I am pretty well acquainted with it, more so than that latterly: latterly I have been away from there a good deal.
Q You lived on that farm then at that time? A Yes, sir, I lived right on the same spot from 1867 to 1881, and then I moved about three quarters of a mile to another part of it.
Q When was the first time you ever saw Thomas Mayfield? A Well, I saw Tom Mayfield about two years after I returned, was the first time I saw him, about 1869.
Q Were you familiar with the place where he located, this section of the country and all? A Yes, I saw him on the other side of the Grand River sorter opposite the mouth of Cabin Creek; he lived there; I don't know whether he was living on his own place or not, probably it was the Bill Hicks place where I saw him first; that is all in the same neighborhood.

Mr. Smith: He was living there when you did see him? A Oh yes he was living there; he wasn't dead.
Q He hadn't just come there had he? A I can't say as to that, I know about when he first came, about when I first saw him; I know when the people around there said he come in.
Q I am asking you about your own personal knowledge? A I told you that is the first place I saw him, I don't recollect whether he said to me he had just come or whether he had been there, I don't recollect tht we talked about that; I had known him some years before that.
Q You have already answered my question. A Well that is enough.
Q Are you the chief counsel of the Cheroke Nation in these proceed-

ings in the matter of the enrollment of the Freedmen before this Commission? A Yes, sir.
Mr. Hastings: Is there anything else you desire to state with reference to Hayfield's return? A No, I don't know that I know of anything further than what I have stated about him, of my personal knowledge.

Mr. Hastings: We desire to have that testimony thrown in the case of
Charles Hayfield, et al, Freedman D-203, and
Malinda Martin et al, Freedman D-206.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 22nd of June, 1901.

(Signed) T. B. Needles,

Commissioner.

F. D. 200.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 15, 1902.

In the matter of the application of Thomas Hayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the attorneys for the applicant, Mellette & Smith, Vinita, Indian Territory, that it would, at the offices of the Commission at Muskogee, Indian Territory, on the 15th day of May, 1902, introduce testimony tending to disprove the right of the said Thomas Hayfield to be enrolled as a Cherokee Freedman. The applicant and his attorneys have this day, to wit the 15th day of May, 1902, been called, and fail to respond either in person or by attorney.

GEORGE A. CAMPBELL, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A George A. Campbell.

Q What is your age? A 55 years old.
Q What is your postoffice? A Garnett, Kansas, Anderson County.
Q How long have you been a resident of Garnett, Kansas? A I have been there 41, 47 some odd years, came there in '56.
Q Did you live there for the first few years after the war? A Yes, sir, right after the war I was there always.
Q Did you live there in '66 and '7 and '8? A Yes, sir.
Q Did you know a col red man by the name of Thomas Mayfield? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was his wife's name? A Her name was Widie, she used to wash for my mother.
Q When did you first learn to know them? A Well just right away after the war; I don't know whether it was '65 or '7, '67, well '66 or '67 and '8 they lived on our place, I think they had a lease for three years and I believe they took that lease in '65.
Q Well do you know where they were in '66 and '7 and '8? A Yes, sir.
Q Where were they? A They were there on my father's place.
Q Well when did they leave there? A They left there in the winter or fall of '68 in my recollection.
Q Do you know what or they made a crop there in the year of '68? A Yes, sir, I plowed right with them.
Q Plowed right with them? A Yes, sir, right in the same field.
Q In the same field? A Yes, sir.
Q Did they claim to be Cherokee darkies? A Well I believe they did.
Q Do you know where they said they wer going when they left there?
A They said they were going to the Nation.
Q You say you plowed in the same field with them? A Same field with him, they had a lease on my father's place, and he bought their crop that fall after they made it.
Q What fall? A Well '68, I married in '68 is the reason I know this, and that woman washed for my mother, and my father was probate judge, and he left everything to me, the reason I recollect all these things, and I didn't know nothing about farming, never had done any farming in my life, and I would go over to him and ask what I should do the next day, and what I should have done and so on.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reports in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 10th day of May, 1902.

(SEAL) (Signed) P. G. Reuter.

Notary Public.

F. D-200.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book labeled "Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871," from Saline District, the following:

"No. 80. Thomas Mayfield.
Decided against defendant June 8, 1871."

MR. SMITH: Counsel for applicant objects to the introduction of the matter offered for the reason that it is incompetent, irrelevant and immaterial, and because the matter offered is not proven to be a judgment rendered against anybody, and because it is insufficient to prove any issue in this case, and because it does not tend to prove any issue in this cause, and because the same is not competent to be offered before this Commission in evidence in the form sought to offer it, and because the Thomas Mayfield mentioned therein is in no way shown to be identical with the applicant in the above entitled application.

W. W. Hastings, being first duly sworn, testified as follows:

My name is W. W. Hastings; I am one of the representatives of the Cherokee Nation. This book was given me as coming from the Executive Department of the Cherokee Nation, where the records of the Supreme Court, as well as citizenship courts, are kept, and this book is part of the records of the Executive Department of the Cherokee Nation, and at the present time in my keeping as one of the representatives of the Cherokee Nation.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 24th day of May, 1902.

(SEAL) (Signed) F. G. Rentie.

Notary Public.

F. D-200.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

APPEARANCES:
Mellette & Smith for applicant.
Cherokee Nation by W. W. Hastings.

J. M. JOHNSON, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. M. Johnson.
Q What is your postoffice? A Garnett, Kansas.
Q What is your age? A 50 years old.
Q What is your business? A My business is real-estate, loan and abstracting.
Q I believe you have already testified that you have lived at Garnett since '59? A Yes, sir.
Q Do you know a colored man up there by the name of Tom Mayfield?
A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Nicie.
Q Did they have any children? A One son that I remember.
Q What was his name? A Charley.
Q When did you learn to know Thomas Mayfield? A In '66.
Q In '66? A Yes, sir.
Q Where did he lived then, I mean how far did he live from you, in the town or country? A He lived about two miles and a half from Garnett.
Q From Garnett? A Yes, sir.
Q What direction from town? A Southeast.
Q How long didhe continue to live there, when did he leave there?
A He left there in '68 or after '68, he was there on the 25th day of December, 1868.
Q Do you remember it? A Yes, sir.
Q Did you ever work with him? A No, sir, I was our at his place different times.
Q You was at his place different times? A Yes, sir.

Q On whose place didhe live, if you remember? He first lived on J. C. Gibson's place, an uncle of mine.
Q An uncle of yours? A Yes, sir, in '68.
Q Well it was after '68? A Yes, sir, when he lived on my uncle's place was July, '66.
Q Where did he live after that? A Well he moved about half a mile southeast onto J. Y. Campbell's farm.
Q Did he make a crop there in '68? A Yes, sir.
Q And sometime after this crop was made before he came to the territory? A Yes, sir.
MR. SMITH: When was it you say he left there? A He left there in '68, after '68.
Q Well how long after '68? A I couldn't tell you just what time he left in '69, he was there on the 25th day of December, '68.

Q December of '68? A Yes, sir.
Q Where was he on the 25th day of August, '68? A He was there on Judge Campbell's farm.
Q How do you know? A Know there was where he lived until he left Kansas, left Anderson County.
Q Well the question was where was he on the 25th day of August, '68? A Well now, I couldn't say where he was.
Q Where was he you say the last time you saw him? A He was there on Judge Campbell's place.
Q When did he go on Judge Campbell's place? A I think he moved on Judge Campbell's place in '67.
Q What time in '67? A Spring of '67.
Q Where did he go from, where was he living before? A He moved from Gibson's farm, right adjoining Campbell's.
Q How long had he been there? A I don't know, only the year '66, he farmed Gibson's place in '66, part of it.
Q What time of the year was it in '66 when you first saw him? A I think sometime in June.
Q Sometime in June? A Yes, sir, that was my first recollection.
Q Well that's been how long ago? A Which, '66?
Q Yes, sir. A Be about 24 years, wouldn't it?
Q From now? A Yes, sir, this is 1902, and '66 would be about twenty --let's see, 20, '86, would be worse than that, be about 32 years ago.

MR. HASTINGS: How many years did you say now it was, after you have figured it up? A '70 would be 30, and four would be 34, and two would be 36 this year.

MR. SMITH: Well now after that lapse of time what is it that makes you remember that it was in June '66 that you first saw this man? A This uncle of mine died in '66, July of '66, that's what fixed it, he was living there on the place when he was taken sick.
Q Who was? A Mayfield, living on my uncle's farm.
Q Have you ever seen him since he went away from there? A No, sir.
Q Well you don't know whether that is the same man that is the applicant in this application or not? A No, sir, I would say that he was.
Q Well, Mr. Johnson, when did you first have your attention called to the time that Thomas Mayfield left Kansas? A Last week when I was talking with parties about these other colored people I mentioned him.
Q Well now when was he first mentioned to you? A Which, about Thomas Mayfield? We were talking about the colored people, and that is the way it come up, I spoke of Mayfield myself, and they were talking to the old ones that lived there.
Q Where? A At Garnett.
Q Why didyou do that? A They were asking me what colored families I knew.
Q Well did they ask you about Thomas Mayfield? A No, sir, I told them about Mayfield, they were asking me and the other parties and trying to fix the names, and I spoke of Mayfield myself, named him among the others.
Q Well he didn't go away from there at the same time according to your idea of it that McNair went away, did he? A No, sir, McNair was among he first that left.
Q Well who left at the time McNair left? A I think some of the Beams.

Q Which ones? A I think Sandy Bean left at the same time.
Q Who else? A I don't know but the other Beans, some of them Beans, I think left probably all of them.
Q Well what were their names, who were they? A There was Tobo, and Joe, there was five of them all together.
Q What was this man McNair's name? A Riley.
Q Riley McNair? A Yes, sir.
Q Well now, Mr. Johnson, when was the matter first mentioned to you could you remember of your independent recollection the date when Mayfield left there? A Yes, sir.
Q Just remembered that? A Remembered that from the circumstances which occurred, just related.
Q Well you had to look up the record about McNair? A Yes, sir, but I didn't about my uncle's death, and things of that kind, circumstances that occurred along about that time, know the time that they lived at Gibson's, and they left there, and the length of time they lived on there.
Q You remembered Mayfield better than you did McNair? A Yes, sir.
Q When was it you say your uncle died? A July, '66.
Q '66? A Yes, sir.
Q And you say Mayfield didn't leave until '69? A '69, sometime in the first of '69.
Q Let's see, '66, that was some time after your uncle died?
A About a year and a half.
Q Well he died in '66? A Yes, sir.
Q The next year would have been '67? A Yes, sir.
Q Next '68? A Yes, sir.
Q Been two and a half, wouldn't it? A Yes, sir, two and a half years.
Q Well there was nothing about that fact or month that you have stated that would have made you remember this man two years and a half after your uncle died, was there? A No, sir that occurrence, that would be about all, being bound back to my uncle's death there, and knowing Mayfield and my uncle, the time that they lived on Campbell's farm.
Q Well how long did they live on Campbell's farm? A About two years and a half, two years.
Q Well he lived on Campbell's farm then all the time from the time of your uncle's death on until they left? A Yes, sir.
Q Well now 36 years afterwards you remember whether it was one year and a half, two years and a half, or three years and a half?
A Could from the facts that I told you about.
Q Well you stated a minute ago that it was a year and a half? A two years and a half after figuring.
Q You had to figure it then? A No, I hadn't made no account of it, no.
Q Well now after a lapse of 36 years do you think that you can be positive that that man lived there two and a half years after you got acquainted with him there? A Yes, sir, by the events and circumstances that occurred, yes, sir.
Q Well now what event occurred? A Well circumstances that we were thrown together, and being back and forth from visiting.
Q What was the circumstance? A Hunting and fishing.
Q Well that long afterwards do you remember whether you had hunted and fished with a man a year or two? A Well, about seasons; '68 was a dry year with us, and about compelled to go to the creek for water, we could tell what people were living there, would remember it.

Q That's in the early part of '69? A That he left there, yes, sir.
Q Well who else left there in the early part of '69? A None that I know of.
Q Anybody leave there in the early part of '70? A There was several parties left there in '70.
Q '71? A I think there were some of them left in '71.
Q '72? A I couldn't say about that.
Q Well you remember better the further back it goes? A Being associated with them I would know better, if I had been associated with them after that probably it would have been impressed on my mind, I might remember it just as well later as back further.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 23rd day of May, 1902.

(SEAL) (Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 22nd day of Aug., 1902.

B C Jones
Notary Public.

C.F.B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Winnie Mackey, et al., for enrollment as Cherokee Freedmen, consolidating the applications of --

Winnie Mackey, et al.,	Cherokee Freedmen D-899,
Robert Moore,	Cherokee Freedmen D-977,
Amelia Brown, et al.,	Cherokee Freedmen D-978,
Maggie Doty,	Cherokee Freedmen D-982,
Joseph Moore, et al.,	Cherokee Freedmen D-983.

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D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Winnie Mackey for herself and minor child, , Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and minor child, Robert Brown; by Maggie Doty for herself; and by Joseph Moore for himself and minor child, Mamie Moore. A copy of the testimony of Frank Smith, George W. Benge, McCoy Smith and Jack Walker, taken at Muskogee, Indian Territory, June 17, 1904, in the case of Adeline Hampton, et al., Cherokee D 154, is filed herewith and made a part of the r cord in this case.

The evidence in this case shows that Winnie Mackey was neither the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee Nation, at the commencement of the Rebellion. Neither does said proof show that she was living in the Cherokee Nation during the time necessary for the acquisition of freedmen rights under article nine, of the treaty of 1866.

The evidence further shows that all the other applicants herein are descendants of the said Winnie Mackey, born since 1866, and claim no rights to enrollment except through their said ancestor. None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Winnie Mackey, Andrew Moore, Amelia Brown, Robert Brown, Robert Moore, Joseph Moore, Mamie Moore and Maggie Doty, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C.R.Breckinridge,
Commissioner.

Muskogee, Indian Territory,

this Jan 16, 1905.

Cherokee F. D. 889.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Eva Ellen Anderson, as a Cherokee freedman.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on June 27, 1901, Arthur Anderson appeared before the Commission to the Five Civilized Tribes, at Nowata, Indian Territory, and made application for the enrollment as a Cherokee freedman of his wife, Eva Ellen Anderson. A copy of the testimony taken in the case of William Henry Robinson, et al., on June 11, 1901, and March 3, 1902, is filed herewith and made a part of the record herein. Further proceedings in the matter of the foregoing application were had at Muskogee, Indian Territory, on May 27, 1902, when the record of certain proceedings had in the case of Edward Wright, C.F.D. 818, was ordered filed in this case and made a part of the record thereof.

THE EVIDENCE IN THIS CASE SHOWS: That Eva Ellen Anderson was born since the War of the Rebellion and is a daughter of William H. Robinson, a claimant for enrollment as a Cherokee freedman, and Willie Robinson, a non-citizen of the Cherokee Nation, and possesses no right to enrollment as a Cherokee freedman other than as a descendant of her said father.

THE RECORDS OF THIS OFFICE FURTHER SHOW: That on March 11, 1904, the Commission rendered its decision rejecting, among others, the application of William H. Robinson, father of the applicant herein, for enrollment as a Cherokee freedman, and the Commission's decision was affirmed by the Department, March 2, 1906, (I.T.D. 5122-1904, 2532-1905, 1196-1906). The name of Eva Ellen Anderson, or that of her said father, cannot be identified on the Cherokee tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Eva Ellen Anderson is not entitled to enrollment as a Cherokee freedman and that the application for her enrollment as such should be denied, and it is so ordered.

SIGNED. Tams Bixby.
Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 12 1907

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-899, et al.

Muskogee, Indian Territory, January 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, rejecting the applications for the enrollment of Winnie Mackey, et al., as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-60

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 889.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 12, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1907, rejecting the application for the enrollment of Eva Ellen Anderson as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-158
JMH

Refer in reply to the following: COPY.

DEPARTMENT OF THE INTERIOR,

LAND. OFFICE OF INDIAN AFFAIRS,
8309-1907.

WASHINGTON.

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated January 12, 1907, relative to the application for the enrollment of Eva Ellen Anderson as a Cherokee freedman, including the decision of the Commissioner of January 12, 1907, denying the application.

Application was made for the enrollment of Eva Ellen Anderson as above on June 27, 1901.

It is shown by the evidence in this case that the applicant was born since the war of the rebellion and is the daughter of William H. Robinson, a claimant for enrollment as a Cherokee freedman, and Millie Robinson, a non-citizen of the Cherokee Nation, and that she possesses no right to enrollment as a Cherokee freedman other than as a descendant of her father.

On March 11, 1904, the Commission rendered a decision rejecting, among others, the application of William H. Robinson, father of the applicant herein, for enrollment as a Cherokee freedman, and the Commission's decision was affirmed by the Department on March 2, 1906 (I.T.D.1196-1906).

On February 12, 1907 (I.T.D. 2390-1907), the Department denied a motion for rehearing in the case of William H. Robinson.

The Commissioner reports that the name of Eva Ellen Anderson, or that of her father, cannot be identified on the Cherokee tribal roll of 1880.

Under the provisions of Section 21 of the Act of June 28, 1898 (30 Stat.L., 495), Eva Ellen Anderson is not entitled to enrollment as a Cherokee freedman, and it is recommended that her application be denied.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

AJW-EH.

YP.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. FHR.

D.C.12415-1907.
I.T.D.5042,5044,5054,5070,5126-07.
5162,5338,5340,5352,5372- "
5408,5430,5432,5434, - " February 28, 1907.
LRS.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Emma L. Bronside. (Intermarried)	February 1, 1907.
Nancy Raper (Intermarried)	February 2, 1907.
John Swain, (Intermarried)	February 2, 1907.
Eva Ellen Anderson (Freedman)	January 12, 1907
William M. Donaldson,	December 5, 1906.
Fannie W. Trott, (Intermarried)	January 8, 1907.
Louisa J. Sleam, (Intermarried)	February 6, 1907
Dollie Theresse Callaway, et al,	January 25, 1907.
Martha Harris, (Intermarried)	February 6, 1907.
Sandy Smith (Freedman)	November23, 1906
Edward Chaney	January 25, 1907.
Carl E. Fishback,	January 18, 1907.
Sarah E. McDonald, (Intermarried)	January 30, 1907
Mary A. Price, (Intermarried)	January 30, 1907

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed. A copy hereof and all the papers in the above-mentioned cases have been sent to Indian Office.

Respectfully,
(Signed) Jesse E. Wilson
Assistant Secretary.

A.F.Mc
3-1-07.
14 ins. and 28 for Ind.Off.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
D 889

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 9, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1907, rejecting the application for the enrollment of Eva Ellen Anderson as a Cherokee freedman, was affirmed by the Secretary of the Interior, February 28, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-29
JMH

Cher Fr D 890
(jacket empty)

Cher Fr D 890

EMPTY

Cher Fr D 891

Cher Fr D 891

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

In the matter of the applic ation of Catherine Ward for the enrollment of her ward, EDNA MARTIN, as a Cherokee Freedman; said Ward being sworn and examined by Commissioner T. B. Needles, testi - fied as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant.
Messers. Hastings and Davenport, for Cher. Nation.

Q What is your n ame? A Catherine Ward.
Q What is your age? A About 20 something I reckon, I don't know my age.
Q About your age? A 40 I guess, I don't know my age.
Q What is your post offic e? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do y ou apply for enrollment as a Cherokee Freedman?
A Yes, sir, I have been enrolled, it is my adopted gi rl; she is a child named Edn a Marti n.
Q How old is Edna Martin? A From the way her father says, she will be six years old in Augu st.
Q What is her father's name? A Joe Martin.
Q Is he living? A No, sir, dead.
Q Is he a citizen? A Said he was.
Q What is her mother's name? A I don't know; my witnesses knows.
Q Is her mother living? A She is dead.
Q What relation are you to Joe Martin? A None at all, he just give it to me.

JOSHUA WARD, being sworn and examined by Commissioner T. B. Needles, testifi ed as follows:

Q What is your name? A Joshua Ward.
Q What is your age? A I don't know, about 56 or 7.
Q What is your po st office? A Wimer.
BY MR. SMITH:
Q Did you know Joe Martin? A Yes, sir.
Q Do you know the child that Catherine Ward has in her charge now, an adopted child? A Yes, sir.
Q Was that or was not that the child of Joe Marti n, or do you know about that? A Well, it is supposed to be.
Q Well, why do they suppose so? A From the marriage I suppose.
BY MR. DAVENPORT:
Q Do you know anything about the marriage? A Yes, si r.
BY MR. SMITH:
Q What marriage are y ou talking about now; was Joe Martin married to somebody? A He was married to Laura Slavins.
Q Who was the mother of this child Catherine has? A Laura Slavins or Laura Martin.
Q Did Joe Martin and Laura Slavins live together?
A Yes, sir.
Q How old is thi s child? A Well, when my wife went and got them and brought them up to my house, the little girl I suppose was, supposed to be about three or four years old.
Q When was that? A That has been about four years ago.
Q Do you know whether Joe and Laura were living when this child was born? A I don't know, they said they were li ving on Brush Creek.
Q Were you present when they were married? A No, sir.
Q Do y ou know how long they lived together there on Brush?
A I don't recollect how long they did live there.
Q Well, was it a short time or long time? A It must have been about fi ve or six years.
Q Were they living together as man and wife during that time?

A Yes, sir.
Q Well, what was the father of this child, Joe, Martin; did you know him before the war? A No, sir, I didn't.
Q Did you know the mother before the war? A Yes, sir .
Q Was she a slave? A No, sir.
Q She was a state woman was she? A Yes, sir.
Q You don't know what Joe was? A He was living in the Cherokee Nation, supposed to be a citizen in through by his father was a citizen.
Q Who was his father? A Tobe Martin.
Q Well, was Tobe Martin a slave? A Yes, sir, said he was.
Q Well, do you know it? A No, sir.
Q Did you know whom he belonged to? A No, sir.
Q Well, did you know anything about where Tobe, or where Tobe was in '66? A No, sir, I don't.

BY COURT REPORTER:

Q Do you know where Joe was in '66? A I don't know as I know; I met him down here at Vinita.
Q Just all you know about is i s you believe Joe Martin was the father of Ellen Martin? A Yes, sir.
Q You don't know whether Joe Martin was a citizen or not?
A No, sir.
Q Do you know whether his father was a citizen?
A I don't know.
Q The mother of t he child, Laura Shavins, was a state woman?
A Yes, sir.

BY MR. DAVENPORT:

Q What Brush Creek did you have reference to t hem living on?
A Down east of Choutean .

JIM ALBERTY, being first duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Jim Alberty .
Q What is your post office? A Chouteau .
Q How old are you? A 70 years old.
Q Do you know Catherine Ward? A Yes, sir.
Q Do you know the child she has there, Ellen Martin?
A Yes, sir.
Q Do you know whose child Ellen Martin is?
A I know whose child she was.
Q Di d you know the father of Ellen Martin? A Yes, si r.
Q Who was her father? A Tobe Martin.
Q Tobe t he father of Ellen? A Yes, sir; father of Joe Martin.
Q Did you know Joe Martin? A Yes, sir.
Q Wher e did you know him? A I knowed him down on Grand river at Sam Butler's, worke d for him two or three years.
Q Is he living or dead? A Dead.
Q Where did he die? A Died in July, I don't know exactly when.
Q Do you know whether Joe Martin was a slave or n ot; whether he was born after the war or when; what do you know about that?
A I don't know exactly when.
Q Did you kn ow who Joe's father was? A Yes, sir.
Q Who? A Tobe.
Q Was Tobe a slave? A Yes, sir.
Q Who was his Master? A Jim Vann was his last Master.
Q You don't know wh at Joe Martin's age was? A No, sir.
Q You don't know whether he was born before the war or afterwards?
A No, sir.
Q Do you kn ow whereon Tobe was in '66? A Yes, sir.
Q Where was Tobe? A He was on Big Creek, on a piece of mine.
Q Do you know whether he went out of the Nation or not during the war? A Never saw him, don't know where he went.

BY COURT REPORTER:

Q Did you know Joe Martin's mother? A Yes, sir.
Q Who was she? A She first was Ellen Rabbit, married Tobe.
Q Was she a citizen? A Yes, sir.

Q. Who did she belong to? A. [illegible] y.
Q. Was she Tobe's wife? A. Yes, sir.
Q. Where was she in '26? A. She was there.
Q. With Tobe? A. Yes sir.
Q. That was Joe Martin's mother? A. Yes, sir.
Q. Do you know this Ellen Martin, this child that's woman applies for?
A. Yes, sir, I have saw her, I don't know about its kin.
Q. Do you know its mother? A. Yes, sir.
Q. Who was its mother? A. She was a dead Lottie, I don't know what her other name was.
Q. What was she? A. As well as I remember she was a state woman.
Q. Don't know how old Joe was when he died? A. No, sir.

BY MR. DAVIS FURT:

Q. How many wives did Joe have at that time? A. Just one.
Q. Now, that part of Big creek we are living on that place of yours? A. On the Cooley Brown place.
Q. Your Cooly's Bluff? A. Up in that settlement.
Q. How many children did he have at that time? A. I don't recollect how many children he had.
Q. Don't recollect whether he had one or not? A. Yes.
Q. Did you see Joe there? A. On my place?
Q. Yes. A. Tobe lived on my place.
Q. There was more than one Tobe Martin? A. Yes, sir.
Q. Which one of the Tobes now was it? A. I am talking about Joe's daddy.
Q. If you didn't see Joe up there how do you know she his daddy was? A. I just so like my own close, he claimed him as his son.
Q. When was it he never claimed him? A. He claimed him ever since Joe was born, I can't make a map.
Q. How long has Tobe been dead? A. I can't tell you that, he died while I was down there at Court, he died there in Jail.

BY COM'R HENDRICKS:

Q. Who, Tobe or Joe? A. Joe.

BY MR. MONTGOMERY:

Q. How long has Tobe been dead? A. I don't know, he died up here.

CATHERINE WOOD, the applicant, recalled:

BY COM'R HENDRICKS:

Q. Is this child on any of the rolls? A. I don't know, I think she is on the Clifton roll.
Q. Is Joe on any of the rolls? A. I don't know.
Q. How long has Joe Martin been dead? A. He died last August in jail.
Q. Did Joe have any brothers or sisters? A. I don't know, I am not acquainted with him.

JIM ATKINSON, recalled: BY COM'R HENDRICKS:

Q. Do you know whether Joe Martin had any brothers or sisters?
A. No, sir, I don't know.
Q. Do you know whether his name is on the 1898 roll or not?
A. No, sir, I don't know that.
Q. You don't know Tobe's wife's a man, Joe's mother? A. Yes, sir, I know her name.
Q. What is her name? A. Ellen Bobbit.
Q. Didn't die on the last August? A. I can't tell you when it was, he died here, where he was there in jail.
Q. Where? A. At Muskogee.
Q. How long has John Bean called to you home? A. I don't know, he has been dead some time.

CATHERINE WOOD, the applicant recalled:

Q. Was this child put out anywhere, as I hear and believe that you have got it? A. She has got one, Sarah.
Q. Sarah what? A. I can't tell you, she lives on Bushear Creek,

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE CIVILIZED TRIBES
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1884

Edna Martin, et al.--2.

She was li ving there when I was at his house; he said it was his house, I don't know about it.

JOSHUA WARD, recalled:

Q How long has Tobe Martin been dead? A I don't know.
Q What relation are you to Joe Martin? A Only relation by marriage.
Q What relation by marriage? A He married my wife's sister.
Q Who, Joe Mar tin did? A Yes, sir.
Q Your wife's sister, the mother of this child, Edna? A Yes, sir.
Q That was Laura Slavins? A Yes, sir; Laura Slavins.
Q BY MR. DAVENPORT:
Q Tobe has not been dead but a little while? A I guess not, I just learned it since I was down.
Q Did you know Nathan Martin? A No, sir.
Q Did you know Tobe? A Yes, sir.
Q Did Tobe have a boy named Nathan? A No, sir.

COM'R KEMBLES: Catherine Ward applies for the enrollment of a child, Edna Martin. She avers that the father of said child is Joe Martin and the mother was Laura Slaying, a non-citizen. Applicant claims that the said Joe Martin was a citizen. The name of said Joe Martin cannot be found upon any of the rolls of the Cherokee Nation, neither can the name of Edna be identified upon any of the rolls. No satisfactory proof is made as to the citizenshi p of t he said Joe Martin or as to his residence. Said Edna Martin will be listed for enrollment upon a doubtful c ard as a Cherokee Freedman.

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J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in thi s case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Rosson

Subscribed and sworn to before me thi s 15th day of July, 1901.

Commissioner.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON J. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D 891

Muskogee, Indian Territory, January 29, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Catherine Ward for the enrollment of Edna Martin, aged six years, as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of birth of this child's father, Joe Martin, as to the date of his return to the Cherokee Nation after the close of the war of the rebellion and as to his residence since that time; also, further testimony as to the residence of this child's grandfather, Tobe Martin.

The said Catherine Ward has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday March 2, 1904, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

Cher Fr D 892

Cher Fr D 892

File with Elizabeth Tinnen, Doubtful C.F., D-898.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28th, 1901.

In the matter of the application of Elizabeth Duncan for the enrollment of herself as a Cherokee Freedman by Intermarriage and for the enrollment of her four children as Cherokee Freedman; said Duncan being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Smith & Mellette, for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Elizabeth Duncan.
Q What is your age? A 47.
Q What is your postoffice address? A Coffeyville, Kansas.
Q What district do you live in? A Goweesscoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A No, sir, I am adopted.
Q You apply to be enrolled as an adopted Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Four boys.
Q What are their names? A Glate Duncan.
Q How old is Glate? A 18.
Q The next one? A Harry.
Q How old is Harry? A He is 16.
Q The next one? A Jewel.
Q How old is Jewel? A 14.
Q The next one? A Bert.
Q How old is Bert? A 12.

By Mr. Smith:

Q Where did you marry Joe Duncan? A Into Kansas.
Q Have you any certificate of your marriage to him?
A I haven't got it but I can get it.
Q When did you marry him? A About '82 I guess.
Q Is your husband dead, Joe Duncan dead? A Died 15 of January last.
Q Well, were these children whose names you have given and for whom you apply all born while you were living together as man and wife?
A Yes, sir.
Q Have your children ever been enrolled upon any of the rolls of the Cherokee Nation? A Yes, sir.
Q What rolls? A Kern-Clifton roll.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicant's deceased husband and her children found thereon as follows:
Page 151, #5736, Joseph Duncan, Goweesscoowee District;
Page 151, #5739, Glate Duncan, Goweesscoowee District.
Page 151, #5741, Harry Duncan, Goweesscoowee District.
Page 151, #5742, Jewell Duncan, Goweesscoowee District.
Page 151, #5743, Birt Duncan, Goweesscoowee District.

By Com'r Needles:

Q Is your name on any of the rolls of the Cherokee Nation?
A I don't know whether he enrolled me or not.
Q He never drew any money for you did he? A No, sir; his name ought to be on the Wallace roll.

The 1880 Authenticated Roll and 1896 Census of Freedmen of the Cherokee Nation examined and name of applicant's deceased husband not found thereon.

By Mr. Hastings:

Q What is your oldest child's name? A Glate.
Q Glayton? A Yes, sir.
Q What year were you married? A About '82.
Q Where were you married? A In Kansas.

Q What town? A Mound City.
Q Where was Clayton born? A Born in the Territory.
Q Where? A Over here where we live on the Joe Ross place, we rent a place there.
Q On Snow Creek? A Well I guess you call it on the river.
Q On the Verdigris River? A Yes, sir.
Q How far from the mouth of Snow Creek? A I don't know.
Q Do you know where Snow Creek is? A Yes, sir.
Q How far is that from Snow Creek? A Four or five miles I guess.
Q Below or above? A I would call it across from there.
Q It is across the river from Snow Creek? A No, sir.
Q What is your next child? A Harry.
Q Where was Harry born? A In the Territory.
Q What is the next one? A Jewel.
Q Where was Jewel born? A In Kansas.
Q What place in Kansas? A Mound City was our postoffice address you call it.
Q What was the next one's name? A Bert.
Q Where was Bert born? A Over there in the Territory.
Q What place? A Where we made this little place.
Q How far was that place from Nelson Murrell; have you got any older children than these? A No, sir; not my own, they are Mr. Duncans.
Q Where do you live now? A I live up on the high prairie about four miles from what is known as the head of Cedar Creek, about 15 miles this side of Coffeyville, southeast of Coffeyville, about five miles west of Wimer.
Q How long have you been living there? A On that place?
Q Yes. A About 16 or 17 years.
Q Continuously? A Not altogether.
Q Got a house in Coffeyville? A No.
Q You kept house in Coffeyville? A I hired some there and rented a building to stop in.
Q You pay rent on the building now? A No, sir.
Q When did you quit paying rent on it? A When I moved out of it.
Q When did you move down near Wimer? A I guess it has been five years, since the Kern-Clifton payment, it must have been eight or ten years.
Q Have you lived or worked in Coffeyville, Kansas, since that time?
A I have worked every place.
Q When was the last time you worked there? A That was the last time I worked.
Q Eight or ten years ago? A Yes, sir.
Q You haven't worked or had a house in Coffeyville for the last eight or ten years? A As well as I remember, I don't know whether I am exact on the year or not.
Q How about the last five years? A I haven't.
Q You know that? A Yes, sir.
Q Who are your neighbors out there near Wimer, Cedar Creek, you live? A About four miles up on the high prairie.
Q Who lives near you out there? A I can't tell you who all lives near there, Rana Powell, Lige Robinson, Ed Storms and Neal Sanders we call his name, I don't know him personally.
Q Where is Clayton at right now? A He is here with me.
Q Has he been living over there with you? A Yes sir.
Q Actually staying over there? A Yes, sir.
Q How about these other three children? A I have the baby child with me on the ground and I left the others on the place there.
Q Have ~~[illegible]~~ they been living with you the last five or six years continuously all the time? A No, sir.
Q They have been to Kansas? A We go to Kansas about every two weeks and get our mail and shopping.
Q Was Duncan ever married before he married you? A Yes sir.

Q Is she living or dead? A Yes, sir.
Q Was she living when he married you? A No, sir.
Q Was was her name? A Millie Carr.
Q Were you ever married before? A Yes, sir.
Q To whom were you married? A Knox.
Q Where were you married? A Mound City.
Q Where is he? A I don't know.
Q Were you ever divorced from him? A Yes, sir.
Q Where were you divorced? A Mound City.
Q Is he living now? A I don't know, I am not able to say whether he is living or not.
Q He was alive when you married the second time?
A I don't know, I was legally divorced from him.
Q When were you divorced from him? A I don't know as I can tell that.

By Com'r Needles:

Q In the State of Kansas? A Yes, sir; I guess it was about '83 or '84.

By Mr. Hastings:

Q When you were divorced from him? A Yes, sir.
Q That is your best Judgment? A Yes, sir.
Q Are any of these children here by your first husband?
A No, sir, not a one of them.
Q What Court in Kansas? A In the County Court I guess you call it.
Q What town? A Mound City.
Q Your eldest child, Clayton is 18? A Yes sir.

By Com'r Needles:

Q Is Joseph Duncan living? A No, sir.
Q Did you live with him continuously from the time you married him until the time of his death? A Yes, sir.

By Mr. Hastings:

Q Where did he die? A Died on our place out there.

By Com'r Needles:

Q And during your marriage with him were all these children born?
A Yes, sir.

SAM WEBBER, being first duly sworn by Commissioner T. B. Needles, testified as follows:

By Mr. Smith:

Q State your name? A Sam Webber.
Q How old are you Mr. Webber? A About 58.
Q Where do you live? A Two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was bred and born here.
Q Do you know the applicant, Elizabeth Duncan, in this case?
A Yes, sir, I am acquainted with her.
Q Did you know Joe Duncan? A Yes, sir.
Q Is Joe Duncan living or dead? A He is dead.
Q Did you know Joe Duncan as the husband of this woman, is that the Joe Duncan you are talking about? A Yes, sir.
Q Well, did you know him before the war? A I never was personally acquainted with him before the war but I saw his first wife.
Q Where did you first see Joe Duncan, how long since thereafter you first knew him; you say you never knew him during the war?
Q I got acquainted with him thoroughly in the time of the war.
Q Where? A Fort Scott.
Q Do you know when he came back to the Cherokee Nation when he returned? A Yes, sir.
Q When? A He came to my house in the fall with two plows and some corn meal and I bought some of it from him.
Q In the fall of what year? A '66.

Q Do you know what became of him after you saw him in '66?
A He left the plows with me to take care of for him and went off to hunt him a claim.
Q When did youmext see him after that? A I saw him early in the spring of '67, he come there and got his plows.
Q When did you see him after that? A I never saw him for quite a while after that.
Q Do you know whether he took up a claim or got a place or not?
A He told me he had one, he come
Q Besides what he told you did you ever see it? A After that I did
Q Where was it? A There on the Verdigris.
Q In the Cherokee Nation? A Yes, sir.
Q How far from where you lived? A I guess about 18 miles, as near as I could guess at it, maybe hardly so far.
Q Well, do you know whether he continued to live in the Cherokee Nation or not after that time and up to the time he died?
A He was missing a while he was a stone mason and went off to work, I heard of him working off.
Q About when did you hear of him working off? A After he stayed there a couple f years then I never heard of him for quite a while, but of course I never had any occasion to go over there.

By Mr. Hastings:

Q Now, Sam, we had some of this same investigation about five years ago before the Kern-Clifton Commission didn't we?
A Yes, sir.
Q You didn't at that time testify for Joe Duncan? A They didn't call me in, I was staying there waiting.
Q It was the old man testified in the case? A Yes, sir.
Q You never did testify did you? A No, sir.
Q You know at that time about these plows and his corn mean?
A Yes, sir, and I would have told it if he called me in, because I was staying there waiting.
Q When did he locate up there did he make him a place?
A There was a house already built, a fellow by the name of Frank Nave was that went and failed to come back.
Q How far was that from Snow Creek, Sam? A Three or four miles I judge.
Q What direction from Snow Creek? A Below Snow Creek on the river.
Q On what side of the river? A On the west side.
Q He made a farm there did he? A There was a small patch there.
Q Did he have a wife with him at that time? A When he brought the plows you mean?
Q Yes. A No, sir.
Q Did any onecome with him? A Sim Mosely come with him.
Q The two came in the same wagon? A No, sir, he had his own wagon and Sim had his own wagon. Sim moved in there and stayed right by me.
Q And that was in the fall? A Yes, sir.
Q All in the fall of '66? A Yes, sir, late in the fall
Q Before Christmas? A Yes, sir.
Q Then you didn't see Joe any more for some time, is that the way of it? A It was in the spring.
Q You don't know whether he made a crop that spring or not?
A No, sir.
Q This man was a stone mason was he? A Yes, sir.
Q When did you first see his first wife? A I saw her about three miles there I was born at on the Spring place at Mrs. Oar's.
Q Well, after the war? A Saw her sometime in '67.
Q Where was she then? A She was up there on the river.
Q Were they married then? A The first woman?
Q Yes? A Yes, sir.

Q Did they have any children? A They had some children.
Q What are their names at that time? A One of them is named Lawson.
Q When did he and this woman marry? A He married after his first woman died.
Q Did you know her before he married? A No, sir.
Q Where did they marry? A I could not tell you that.
Q Did they marry up there in the Cherokee Nation? A I could not tell you that.
Q Do you know when they married? A Not exactly.
Q Do you know where their oldest child, Clayton, was born?
A No, sir.
Q Do you know where her next one, Harry? A No, sir.
Q Her next one, Jewel? A No, sir.
Q Bert? A No, sir.
Q How far does she live xx from you? A I guess 20 miles.
Q When did you move to Nowata? A Moved here three years ago.
Q Where did you move from then? A From on Big Creek.
Q How far did she live from you three years ago? A I guess 15 miles.
Q Where was she living? A Up here towards Snow Creek, some horse on the high prairie there.
Q Close to Snow Creek? A Yes, sir.
Q How far from the Kansas line? A I don't know exactly about, I declare I don't, four or five miles.
Q Did you ever know of her living in Coffeyville? A I met her there once to my knowledge, I stayed all night and shook hands with her, if they were living ther I don't know.
Q Do you know whether they were keeping house or not? A No, sir, I don't.
Q When was that? A I declare it was before he died.
Q Do you know where he died? A He died up here on his place.

ELIZABETH DUNCAN, the applicant recalled: By Com'r Needles:
Q Is that one of yours Clare named Clate or Clayton? A Robert Clayton.
Q Well, now, these other children? A They have got double names, do you want them?
Q Yes. A Well, Harry August, Joel C., Benjamin Franklin.

POMPEY DUNCAN, being duly sworn by Commissioner T. B. Needles, testified as follows; By Mr. Smith:
Q State your name? A Pompey Duncan.
Q How old are you? A About 48 or 49 I don't know just exactly which.
Q Did you know Joe Duncan when he was alive? A Yes, sir.
Q Do you know this applicant, Elizabeth Duncan? A Yes, sir. I got acquainted with her.
Q Is Joe Duncan any kin to you? A My half brother.
Q Who was Joe Duncan's father? A I don't know who his father was.
Q You don't know his father? A No, sir.
Q When did you first got acquainted with Joe? A I was raised with Joe, partly raised with him, until the war broke out.
Q Was Joe a slave? A Yes, sir.
Q To whom did he belong? A He belonged to a woman by the name of Millie Duncan.
Q She was an Indian? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Do you know whether Joe went out of the Cherokee Nation during the war? A No, sir, I and him was separated I could not tell you.
Q When did you see him back in the Cherokee Nation after the war?

Q The first time I met him after the war was up here at Goosenock Bend, at Mr. Joel Mayes' campaign.
Q First or second campaign? A Second campaign.
Q How long was that after the war? A It has been quite a while.
Q You don't know when Joe Duncan first come back? A No, sir.
Q Is he living or dead? A He is dead.
Q Where did he die? A He died at his home place.
Q How far from you? A I don't know just exactly how far it is.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know Elizabeth Duncan? A Yes, sir.
Q Was she Joe Duncan's wife? A Yes, sir.
By Mr. Hastings:
Q Well, Pomney? A Yes, sir.
Q You come back to the Cherokee Nation after the war did you?
A Yes, sir, I did.
Q What place did you co e to? A Down here in Sequoyah District.
Q When did you move up in this country? A I have been here quite a good long while.
Q Well, about how long? A I could not tell you, it has been a bout 15 or 16 years maybe 17 years, I could not tell you.
Q Well, now, where did you first live up here? A I first lived right here on Dog Creek.
Q Well, did you go around up on Big Creek any at that time, among your old friends? A No, sir.
Q I mean when you first come up here? A No, sir, I haven't visited much only for the last late years.
Q Well, you didn't see Joe Duncan until Mr. Joel Mayes second campaign? A No, sir.
Q Do you know whether that was in '91 or not? A No, sir.
Q You don't know when that second campaign was? A No, sir.
Q Well, it was eight or ten years ago, about ten years ago'
A I expect it was, about ten years ago, as near as I can recollect
Q How far did you live from Joe Duncan before the war?
A He and him was living right in the same yard together before the war.
Q On which side of Grand river? A On this side of Grand river.
Q Malinda Johnson's? A No, sir, up this side of Grand River.
Q Well, was it at Malinda Johnson's? A It was at Millie Duncans.
Q That was on Flat Rock was it? A Yes, sir, up on Flat Rock there

HARRY STILL, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:
Q State your name? A Harry Still.
Q How old are you, Mr. Still? A 54.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Elizabeth Duncan? A Yes, sir.
Q Did you know her husband? A Yes, sir.
Q What was his name? A Joe Duncan.
Q Is he living or dead? A Dead.
Q When did he die? A Don't know, I think though he has been dead two or three years.
Q Do you know where he died? A Up between here and Coffeyville.
Q How long have y u known Joe Duncan? A Since '62.
Q Was he a slave? A Don't know that.
Q Where did you get acquainted with him? A Got acquainted with Joe at Fort Scott, '62.
Q Do you know when he first returned to the Cherokee Nation after the war? A Yes, sir.
Q When was it? A First time I saw him was in the winter of '88, on Big Creek, Sam Webbers.
Q Do you know how long had stayed in that vicinity, in that neighborhood? A Don't know, could not say, but about two years after that
Q Where did you see him then? A The next time I saw him was

near the mouth of Snow Creek.
Q How far was that from where you live? A Must be 30 miles.
Q How far from where you saw him at Sam Webbers? A Must be ten or twelve miles.
Q What was the circumstance of your seeing him when you saw him near Snow Creek? A He was living there.

By Mr. Hastings:

Q Have a wife the second time you saw him after the war?
A No, sir, he had a wife the first time I saw him.
Q Did you see his wife with him? A Yes, sir.
Q Was he in a wagon? A He was in the house I saw him.
Q At Sam Webber.s? A No, sir, in the house.
Q I thought you said when you saw him the first time he had his wife? A No, sir, he didn't have his wife the first time I saw him.
Q How many children did he have? A I don't think he had more than one or two and it was a baby.
Q Do you remember that one's name? A No, sir.
Q Well, now, do you remember whether it was one or two? A I am not positive.
Q You know he had a baby? A I know the woman had a baby.
Q And that was about two years after '66? A Yes, sir.
Q You testified in the George Thompson case the other day didn't you? A No, sir: oh, George Thompson, old man George?
Q Yes? A No, sir.
Q You didn't testify in that case? A No, sir.
Q You testified in the Alfred Bell case didn't you?
A Yes, sir, I sure did.

NELSON MURRELL, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:
Q State your name? A Nelson Murrell.
Q What is your age? A 77.
Q How long have you lived in the Cherokee Nation? A I have lived in the Nation '77 years, not in this Nation.
Q Well, how long have you lived in this Nation? A I come here in the year 1839.
Q Do you know this applicant, Elizabeth Duncan? A Yes, sir.
Q How long have you known her? A I have known her about 18 years
Q Did you know her husband? A Yes, sir.
Q What was his name? A Joe Duncan.
Q Is he living or dead? A Dead.
Q Where did he die? A Out on the prairie here where I live.
Q About how far? A About eight miles.
Q Cherokee Nation? A Yes, sir.
Q How long had he been living there when he died? A About 14 years, about 12 or 14 years.
Q Do you know his children? A You are speaking of his youngest or his oldest?
Q I am talking about her children, Elizabeth's? A Yes, sir, I know them when I see them.
Q Do you know whether they were married or not, Elizabeth and Joe?
A No, sir.
Q Did they live together? A No, sir.
Q Were they recognized in the community as husband and wife?
A Yes, sir.
Q How long have you known this Joe Duncan? A Well I have known him about 55 years, Joe Duncan.
Q Did you know him before the war? A Yes, sir.
Q Do you know whether he was a slave or not? A Yes, sir.
Q Was he? A Yes, sir.
Q Whom did he belong to? A Duncan.
Q What Duncan? A John Duncan.

Q Was John Duncan a married man? A Yes, sir.
Q What was his wife's name? A I don't recollect.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Lived here in the Indian Territory? A Yes, sir.
Q Where did he live at the time the war broke out?
A He was living about Fort Gibson, about five miles on the west side of Grand River.
Q Do you know what became of Joe Duncan during the war, whether he went out of the Territory during the war or not? A Yes, sir.
Q Where did he go? A Up near Fort Scott, Kansas.
Q Do you know when he returned to the Cherokee Nation? A Do not.
Q When did you first see him in the Cherokee Nation after the war?
A I saw him about '67.
Q Where was he when you saw him? A Came over to my house on the Verdigris River.
Q Do you know where he was living at that time? A He came from over east, from on Big Creek.
Q Did you ever go to his place? A There on Big Creek?
Q Yes? A No, sir.
Q Did you ever go to it afterwards? A I went to the neighborhood where he lived. He moved when he come to my place.

By Mr. Hastings:

Q ~~Did you know Joe Duncan after that? A Yes, sir.~~
Q How far did he settle down to you after that? A About three miles from me.
Q Have a wife with him at that time? A He had some children, he wasn't married then.
Q Didn't have any wife? A No, sir.
Q Do you know where he and this woman were married?
A Married in Kansas.
Q How do you know? A He brought the woman back with him, he didn't have any here.
Q Mr. Murrell, how long was that afterwards? A After which?
Q After you first saw him? A About ten years.
Q When he married this woman? A Yes, sir.
Q Was this his first wife? A No, sir.
Q Did he have his first wife with him ~~xxxxxxxxxxxx~~ when you first saw him? A No, sir, she was dead at that time.
Q He had some children with him that he had had by his first wife?
A Yes, sir.
Q Do you remember how many children he had? A Four.
Q Do you remember their names? A Yes, sir.
Q Name them? A Lawson, George, one was named Emma and the other one I have forgot.
Q These children were with him the first time you saw him after the war? A Yes, sir.
Q Were you ever at his place, or his Masters place before the war?
A Well, I passed by there.
Q That was about five miles from Fort Gibson? A Yes, sir.
Q On the West side of Grand River? A West side of Grand River.
Q You don't know his Mistress' name? A No, sir.
Q Do you know any of the members of the family? A No, sir, I was acquainted with Duncan, seen him about Fort Gibson.
Q His name was John Duncan? A Yes, sir.
Q What kind of a house did he live in? A He lived in a good pretty good log house, it was painted and lined.
Q Do you know that Joe Duncan was living there when the war come up?
A Yes, sir, if my memory serves me right.

ELIZABETH DUNCAN, the applicant, recalled: By Com'r Needles:
Q You say one of your children, Jewel, was born in Kansas?
A Yes, sir.

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Q Were you living there then? A No, sir, I went off up there I was raised there.

Q Mother living there? A It wasn't really my mother, it was my father's sister and she had raised me.

Com'r Needles: Elizabeth Duncan applies for the enrollment of herself as an intermarried citizen and for four children, Harry A., Jewel C., Robert C., and Benjamin F. She avers that she was married to one Joseph Duncan in the year 1882. It will be necessary for her to present a certificate of marriage, no certificate being presented at this time. The name of her husband, Joseph Duncan, is not found upon the authenticated roll of 1880, he is now deceased. She avers that she was formerly married and obtained a divorce from her former husband. It will be necessary for her to file with this Commission a certified copy of the decree of divorce. She avers that her husband was married before his marriage to her, but his wife wasn't living at the time of their marriage. She makes proof of the return of the said Joseph Duncan, her husband, to the Cherokee Nation in the year 1866. She avers that she had been a resident of the Cherokee Nation for the last 16 or 18 years. She is now a resident. Elizabeth Duncan will now be listed for enrollment upon a doubtful card. Her four children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be duly notified of the decision of the Commission in the premises. The names of her four children, as enumerated herein, are identified upon the Kern-Clifton roll according to the page and number of the roll as indicated in the testimony. The name of the applicant is not found upon any of the rolls.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereo.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 13th day of July, 1901.

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
C OMMISSI ON TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

In the matter of the application of Elizabeth Tinnon for the enrollment of herself and a child, Millie Duncan , as Cherokee Freedmen; said Tinnon being sworn and e amined by Commissioner T. B. Needles, testified as follows:

XXXXXXXXXXXX:
[redacted]

Q What is your name? A Elizabeth Tin n on.
Q How old are you? A 26 years old.
Q What is your post offic e? A Nowata ville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Descendan t .
Q Are you married? A Has been.
Q What is you r husband's name? A Willie Tinnon.
Q Is he a citizen? A Yes, sir.
Q Is he livin g? A No, sir, he is dead.
Q Is y our name on any of the ro lls of the Cherokee Natio n?
A Yes, sir.
Q What roll? A Kern-Clifton roll.
Q What is your father's name? A J oe Duncan.
Q Is he li ving? A No, sir.
Q What is your mother's name? A Millie Car.
Q Is she living? A No, sir.
Q Have you any witnesses here? A Yes, sir.
Q Were you ever married before you marri ed Wi ll Tinnon?
A No, sir.

The 1880 Authenticated an d 1896 Census rolls of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nat ion examined and name of applicant found thereon, page 151, #3738, Elizab eth Duncan, Cooweescoowee Distri ct.

SAM WEBBER, being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q Do you know Elizab eth Tinnon, the applicant? A It is one of Joe Duncan's children.
Q What was her fat her's name? A Joe Duncan.
Q What was her mother's name? A Lizzie.
Q Do you know her name before she married Du ncan?
A N o, sir, I don't.
Q Is Joe Dun c an living? A No, sir.
Q Was he a slave? A I suppose he was.
Q You don't know? A I could not testify .
Q Well, do you know where he was in '66? A Yes, si r.
Q Where? A He c ame over to my house with his plows late in the fall.
Q Do y ou know any thing about the mother of this applicant, Joe Duncan's wife? A I know her since he returned.
Q Do you know whether she was a slave or not?
A No, sir, I don't.
Q Is she li ving? A Yes, sir.
Q Did y ou know Nellie, Joe Duncan's name? A Her name was Millie! There is two sets of these children, one i s Millie's and the other is Lizzie's.
Q Was Millie his first wife? A Yes, sir.
Q Did you know her? A Yes, si r.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Old lady by the name of Rachel Car.

Q A Cherokee? A Yes, sir.
Q Well, do you know where Millie was in '66? A I could not tell you about her, because he di dn't have her with him when he come to my place, he just brought his plows!
Q Didn't bring anybody with him? A There was no another man with him.
Q Q You don't know when she did return to the Cherokee Nation?
A No, sir.
Q She was a slave of one Oar? A Yes, sir.
Q How long have you known the applicant, Elizabeth here?
A She was small gir l when I got acqu aint ed with her.
Q Has she b een living in the Cherokee Nation e ver since?
A Yes, si r.
Q Born after Joe Dun can returned? A N o, sir, I could not tell y ou that.
Q Well, Joe Duncan's genealogy has been proven up here hasn't it?
A Yes, sir.
Q Who was it you testified for in the case of Joe Duncan, do you recollect, some of the child? A I didn't testify for any of his children, I testifi ed for Joe, his wife come in here, his second wife.
Q What was her name? A Lizzie.
Q Elizabeth Duncan is she Du ncan's wife? A Yes, sir.
Q Do you know how ma y times Joe was married?
A Twice to my knowledge.
Q Do you know that Joe Duncan and Millie lived together as man and wife? A Yes, sir.
Q About how long did they live together as man and wife?
A All during the war and after the war until she died.
Q Do y ou know an y of the child? A I was well acquainted with the oldest children.
Q You don,t recollect this child? A Not until here since the, you might say since him and his last woman married I seen thi s one.
BY MR DAVENPORT:
Q Do you know how old this girl is? A No, sir.
Q How far does she live from you, Sam? A About 20 miles, n ew I guess.
Q How long has she been living in the Cherokee Nation to your knowledge? A I can't tell exactly, it has been a good while ago.
Q Well, some years ago? A Yes, sir.
Q Has she been residing continuously in the Nation until you saw her a few years ago? A Every time I saw her she was.
Q Do you know where her home was? A Up here on Snow Creek.
Q Well, did you know it I saw? A Yes, sir.
Q How long after the war was it un til you saw thi s girl?
A I could not tell you on account of seeing so many people I can't keep them all in my mind.

HARRY STILL, b eing sworn and examined by Commissioner Needles, test ified as follows:

Q Please give us your name, age and post offi ce? A Harry Still; 54; Hayden.
Q Do you know the applicant here, Elizabeth Tinnon? A I know her to be Duncan; that's right, Tin non.
Q How long have you known her? A All her life.
Q Well, about how old is she? A I do not know her exact age; I knew her when she was a small girl.
Q Do you know that she has lived in the Cherokee Nation all her life? A Yes, sir.
Q What was her father's name? A Joe Duncan.
Q What was her mother's name? A Lizzie.
Q Did y ou know Joe Duncan? A Yes, sir.
Q How often was he married? A Twice.
Q What was his first wife's name? A Lizzie.

Q What was his second wife's name? A I don't know her first name, I knew her to be Joe's wife; she is a state raised woman.
Q Do y ou know that this is the child of Lizzie Duncan?
A Yes, sir.
Q Was Lizzie Duncan Joe Duncan's first wife? A Yes, sir.
Q Well, but who was this girl's mother ? A I called her Lizzie, it may have been Millie though.
Q Well, did you know Millie Duncan? A I have saw her; I wasn't well acquaint ed with her as I was Joe.
Q Do you know whether Millie was a slave or not? A Do n't know t hat.
Q Did Joe and Millie live together as man and wife?
A Yes, sir, they had three or four children .
Q Was Mi llie dead when he married his second wife? A Yes, sir.
Q That is; his first wife was dead when he married his second wife, you don't know which that was? A Yes, sir.
Q Where was Lizzie Tinnen born? A I do n ot know, sir, the first time I met Joe and this gi rl to her home up, right up here this side of, on the bank of the Verdigris river.
Q In the Cherokee Nation? A Yes, sir.
Q About how long ago was that? A Oh, it has been over 20 years.
Q How old was this girl then? A She seemed to be a small like girl.
Q Was her mother with her then? A Yes, sir, they were three together.
Q And her mother's name to your recolle ction is what?
A I didn't kn ow her first name, I remember s eeing Joe's wife ever since '62 that is when he marr i ed his wife; I don't remember her first name; I know Joe's first name.
Q You don't know about this girl's age? A No, si r.
Q The trouble is about her mother? A I know that Joe recognized his wife.

BY MR. DAVENPORT:

Q You don't know which one it was Joe recognized as being the woman's mother? A There was thr ee or four that Joe had when he had his first wife.

BY COM'R NEEDLES:

Q This is one of the children he had when he married his first wife?
A Yes, sir.
Q If he had this girl when he married his first wife; what is this child's mother? A Her name is.
Q You are getting a little rat tled this morning? A I knew that this is Joe Duncan's child.

BY MR. DAVENPORT:

Q You don't know now wh o her mother was? A I explained that to y ou; you know me but you don't know my mother.
Q No, sir. A You kn ow me.
Q Now, they were living where when you first saw Joe and his wife?
A They was liveng right up thi s side of Snake Creek.
Q That was abou t twenty years ago? A Yes, si r.
Q And that is all y ou know about it? A The first time I saw Joe was on Big Creek.
Q I am speaking about this girl, you don't know who her mother was, but she was there with Joe? A I knew she had a mother and I know Joe had a wife there and they had this girl.

BY COM'R NEEDLES:

Q They were living together as man an d wife? A Yes, sir.
Q And this gi rl has been livin g in the Cherokee Nation ever since? A Yes, sir.

NELSON MURRELL, being sworn and e xamined by Commissioner Needles, testified as follows:

Q What is your name? A [illegible]
Q What is your post office? A [illegible]

Q What is your age? A 77.
Q Do you know Elizabeth Tinnon? A Yes, sir.
Q What was her father's name? A Joe Dun can .
Q What was her mother's name? A Millie.
Q Do you know where this child was born? A No, sir.
Q How long have you known this girl? A About 25 years ago.
Q Was Millie a slave? A Yes, sir.
Q To whom did she belong? A Rachel Car.
Q Do you know where Millie was in '66? A Near Fort Gibson.
Q You saw her in '66 near Fort Gibson? A Yes, sir.
Q Was she mar ried to Joe Duncan then? A She was married i n Kansas.
Q Was married up in Kansas to Joe Duncan? A Yes, sir.
Q Before '66? A Yes, sir, early part of '62.
Q Were you there? A Yes, sir.
Q Well, where did you see Joe Du ncan and Millie after the war and when? A They left that country and went up further in Kansas and I never saw Millie an y more.
Q Millie died in Kansas? A Yes, sir.
Q Was this girl born in Kansas? A Yes, sir.
Q Well, when did Joe Duncan return to the Cherokee Nation?
A I never saw Joe Duncan until in about '68.
Q Did he have this child with him then? A No, sir.
Q Didn't have Mi llie? A No, sir.
Q Millie, the mother of this child, died in Kansas?
A Died in Kan sas.
Q Elizabeth was born in Kansas? A Yes, sir.
Q You saw her father with her, Joe Duncan, in '68?
A '68.
Q Here in the Cherokee Natie n? A Cherokee Nation.
Q Do you know whether Joe Duncan and Mi llie were married or not? A They lived together as man and wife.
Q Millie went to Kansa during t he w ar? A Yes, sir.
Q Who did she go with? A I don't know.
Q She never returned? A N ever returned.

Remainder of application taken by Stenographer Bruce C. Jones.

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J. O. Resson, being first du ly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recor ded the t estimony and proceedings in thi s case, and that t he foregoing is a tru e and complete transcript of his st en ographic notes thereof.

J. O. Resson

Subscribed an d sworn to before me this 15th day of July , 1901.

Commissioner.

Enrollment

Elizabeth Tinnon;

June 27, 1901. Continued from testimony taken by Stenographer J. O. Rosson.

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Pomp Duncan, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Pomp Duncan.
Q How old are you? A About 45.
Q What is your post office? A Catoosa.
Q You a citizen of the Cherokee Nation? A Yes, sir.
Q A freedman? A Yes, sir.
Q On the roll of 1880 or disputed? A No, sir, I am not on the roll of 1880.
Q You know the applicant here, Elizabeth Tinnon? A Yes, sir.
Q How long have you known her? A About five or six years.
Q Did you know her father? A Yes, sir, he is my brother.
Q Did you know her mother? A No, sir, I didn't know her.
Q Your brother living? A No, sir, he is dead.
Q How long has he been dead? A Died in January last.
Q Do you know whether this child Elizabeth is Joe Duncan's daughter?
A From what he said, she is his daughter.
Q But you didn't know her mother at all? A No, sir.
Q You never saw her till five or six years ago? A No, sir.

Elizabeth Tinnon, recalled, testified:

Q Where were you born? A I don't know.
Q Where can you first recollect of being? A The first time I recollect of being, it was in the Territory.
Q Cherokee Nation? A Yes, sir.
Q Whereabouts? A On the Verdigris.
Q You always lived in the Cherokee Nation since that time? A Yes, sir.
Q All your life? A Ever since I can recollect, yes, sir.
Q Never lived out of it? A Only when I would go out and work I would.
Q How many times have you been married? A Just once.
Q To Mr. Tinnon? A Yes, sir.
Q Where did you live all the time until you were married? A Here at home.
Q With your father? A Yes, sir, me and him, only when I would be away maybe.
Q You recollect your mother? A No, sir, she has been dead so long I don't recollect her.
Q Ever hear when she died? A No, sir.
Q Well, did your father ever tell you where you were born? A Always told me I was born in the Territory; mother has been dead about 22 years. I want to apply for a child.
Q What is your child's name? A Named Mary Tinnon.
Q How old is Mary? A She is 4 years old.
Q When were you married? A I have been married five years.
Q Where did you marry? A I married here in the Nation.
Q Live here in the Nation now? A Yes, sir.
Q This child living? A Yes, sir.
Q Your husband a state man? A No, sir.
Q He is a citizen? A Yes, sir.
Q Has he proved up his citizenship? A Yes, sir.
Q Is his name on the roll of 1880? A Yes, sir, he went by his mother's name.

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Elizabeth Tinnon - 8.

Q What was his mother's name? A Mary Bell.
Q You say he is on the roll of 1880? A No, sir, on the Clifton roll; my husband is dead now.
Q How long has he been dead? A Over a year, a year and two months.
Q Whereabouts in the Nation were you married? A I was married on Panther Creek.
Q Who married you? (Hands Commissioner paper) Preacher Young is all I know.

Commissioner: Applicant presents a marriage certificate certifying that she was married to one Mr. William Bell, age 48 years.

Q Your husband is dead? A Yes, sir.

Commissioner: Elizabeth Tinnon applies for the enrollment of herself and her child, Mary. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but is duly identified upon the Kern-Clifton roll. She avers that she is the daughter of Joe and Millie Duncan, and that as Elizabeth Duncan she was married to one Will Tinnon, now deceased. She is identified upon the Kern-Clifton roll as Elizabeth Duncan. The name of her child cannot be found upon any of the rolls, having been born since said rolls were compiled. It will be necessary for her to make satisfactory proof of the birth of said child. In this connection reference is made to the testimony in the application of the stepmother of the said Elizabeth Tinnon, who was Elizabeth Duncan, who was listed for enrollment upon D card 371, and the testimony taken in the matter of the enrollment of Joseph Duncan will be made part of the record in the case at bar, and a copy thereof will be filed herewith. Applicant makes satisfactory proof as to residence, consequently Elizabeth Tinnon, nee Duncan, will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, as well as her child, Mary. She will be notified by the Commission when they arrive at a conclusion as to her application.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of July, 1901.

Commissioner.

To be filed with C.F.D.892, Elizabeth Tinnon et al.

Supl.C.F.-D.871.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Elizabeth Duncan as a Cherokee Freedman, introduced on part of Cherokee Nation.

APPEARANCES:
Mr. Mellette, of counsel for applicant;
Mr. W. W. Hastings, of counsel for Cherokee Nation.

MIAMI WALKER, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A Miami Walker.
Q What is your age, Mrs. Walker? A 76.
Q What is your post office? A Blue Mounds.
Q Kansas? A Kansas, Linn County, Kansas.
Q How long have you lived there? A We have only lived there two years, but we lived down there on the other place where we sold.
Q How far do you live from Mound City, Kansas? A Five miles south of Mound City.
Q Now, how long did you live in the neighborhood of Mound City, Kansas? A Well, we came there in 1857 and lived there until two years ago and now we are in the neighborhood you might say.
Q Did you ever know a colored man by the name of Joe Duncan?
A Oh, well.
Q When did you first learn to know him? A Well, I can't fix no date just when he first moved up there.
Q Well, the best of your judgment with reference to the war?
A It was after the war, well it might have been '55 or '6, it was right after the war.
Q Do you mean '66 or '6? A Yes; when did the war end?
Q Did the war end in '55 or '6? A Yes, when did it end, '54.
Q I was asking you to state when the war ended? A '54.
Q Do you mean '54 , '50? A It was after the war.
Q It was after the war was it? A Yes, sir, about a year.
Q About a year after the war? A Yes, sir.
Q Where was Joe Duncan when you first knew him? A When I first knew him he was on his place; he bought some land you know joining me.
Q After the war? A After the war, that is the first I knew of him and moved on that place.
Q Well, now, how long did he live there joining you? A He must have lived there 25 or 30 years.
Q What was his wife's name? A The first wife's name was Millie and she died and burried there at Mound City, and the next wife's name was Lizzie Spence.
Q Where did he marry her?A At Mound City.
Q Did he have any children? A Quite a number of children by his first wife and last wife.
Q Did he have some children by his last wife? A Yes, sir.
Q Do you remember any of their names? A Yes, sir, I remember all of their names, that was born there.
Q What were their names? A Clayton and Harry.
Q About when did they leave there? A About '88 or '9.
Q You say they owned a farm by you? A Yes, sir.
Q Lived on it? A Yes, sir, lived on it all the time; well, they stayed there until they came south, I was right with them almost every day, they lived ~~my~~ right by me.
Q About how far? A Well, joined corners with us, right in sight anyway.
Q Did Joe Duncan come off down here? A Yes, sir; helped them get ready when they moved.

Q How do you know that he lived there on that place from the close of the war until '88 or '9? A Yes, sir, I saw him almost every day; he worked for us considerable.
Q Now about how long after the war was it until you first knew him? A Well, it might have been a year and might have been two, he come there after the war.
Q When did he dispose of the place with reference to his leaving there? A He had lost it with a mortgage, I can't tell you.
Q He lost it before he left there? A Yes, sir.
Q Some mortgage on it? A Yes, sir.
MR. MELLETTE: How old are you? A 76.
Q What year did you say the war closed? A Well, I forget it, I believe it was '65, '4 or '5.
Q Well you know this year don't you? A Oh, yes.
Q You say Joe Duncan bought a place up there? A Bought a place joining us.
Q How do you know he bought it? A Because I know he lived on it and he owned it to be mortgaged.
Q Now, it belonged to his wife didn't it, his first wife?
A She didn't own any property at all, his first wife.
Q Well, did it belong to one of his wives? A I think before he married the last wife-
Q Now you say you saw him every day? A Nearly, when he was at home, he worked at our house a good deal.
Q Now, what was his business? A He was a plasterer by trade.
Q And he went from place to place? A He didn't go any further than Mound City; he used to be a blacksmith.
Q Now, isn't it a fact that he came down here in the Territory and worked a good deal? A I don't know of his doing it.
Q You don't mean to say for 30 years you watched Joe Duncan?
A I didn't have to watch him, I could see him without watching.
Q How long do you think he worked for you in 30 years?
Q Off and on at little day jobs.
Q Will you swear that he was not absent from that place two years at a time for 30 years? A I am nearly certain he was not.
Q You want your testimony to go down in that way, do you?
A He was absent, he worked in Mound City, but he never went away.
Q Now, do you say that his wife wasn't absent from that place two years at a time? A I know she was not; no, sir.
Q What was her first name? A Lizzie.
Q You say she was not absent from there? A She was not absent no more than to go to town and some place.
Q That is as much as she was ever absent? A As much as I ever knew of her being absent.
Q Don't you know that she was down in this country and lived on a place here? A I didn't know of her living away, she came down here.
Q And she came down here? A She came when they left.
Q When did they leave? A '88 or '90.
Q Well, which do you think it was? A Well, it was 12 years ago, this winter.
Q What makes you remember it? A I remember the birth of one of my sons and she was with me and got ready to go within two or three days.
Q Have you seen her since that time? A No, sir.
Q Would you know her if you were to see her? A I would if she has not changed very much, because I was very personally acquainted with her.
Q Do you know whether the woman who is an applicant here for enrollment is the one you knew up in Kansas? A I haven't seen her since, but I know that is her name.
Q You don't know anything about the woman who is applying for citizenship down here? A I would know her if I was to see her.
Q You don't know where Joe Duncan was in 1866, do you? A I don't know where he was, but he must have been, I don't know that he had come out of this place at that time, I know he bought the place joining us.

Q You don't know when he bought it? A He bought it a year or two after the war and came there, he was a young man when he came there; he was married, he married a widow woman.
Q And that was after the war sometime? A Yes, sir.
Q How many years after the war? A I don't know.
Q Was it one or two or more? A I don't know.
Q You didn't pay much attentionand could not say? A I don't know.
Q Now did you know about his marrying his first wife?
A No, sir.
Q Married before did he? A I knew her but I don't know.
Q Did you know her before he married her? A No, sir.
Q You don't know what he had before he married her? A She had two or three children.
Q She never had any property? A She never had any.
Q Why? A She was too poor.
Q Joe didn't have any money to buy the place with? A He went to work and bought it.
Q Did you ever see him pay anything for it? A No, sir.
Q Now, the deed is on record there if that is his place? A It ought to be.
Q Well, is it? A I don't know.
Q You don't know that that was Joe Duncan's place? A Yes, sir, I knew he bought the place.
Q How do you know he bought it? A How does anybody know anything?
Q How do you know he owned it? A He lived on it and owned it.
Q That was his first wife's place before he married her?
A No, sir, I know he went to work and paid for it.
MR. HASTINGS: What is your husband's name? A James Walker.

JAMES WALKER, being duly sworn by Commissioner Needles, testified as follows, on part of the Cherokee Nation:
MR.HASTINGS: What is your name? A James Walker.
Q What is your age, Mr. Walker? A I am in my 75th year.
Q Where do you live? A Up there in Linn County, in Blue Mound Township.
Q Kansas? A Yes, sir.
Q Did you ever live near Mound City, Kansas? A Yes, sir.
Q When did you move away from that neighborhood? A About three years ago.
Q Did you know a colored man up there by the name of Joe Duncan?
A Yes, sir, I knew him well.
Q Did you know what his wifes name was? A Only first names, his first woman was called Millie.
Q What was his second wife? A Just Lizzie that is all I remember, about their names.
Q Did his first wife die? A She died up there on that place.
Q On what place? A The place they lived on at that time.
Q How far was that from your place? A Well, it cornered with my place.
Q Do you know whose place it was they lived on? A They called it Joe Duncan's.
Q How long did he live on that place by you? A From the time he acquired possession, when he bought it, or bid it off on the auction sale of School Land, the 36th section.
Q How long did he live on it after that? A 30 years or more.
Q Now, how far was that from your place? A It was; they cornered as I told you, and we would be perhaps near about 150 rods, somewhere maybe 200.
Q Well, you knew him during that time did you? A Yes, sir.
Q Did he have some children? A He had quite a number of children.
Q Did you know any of the names of any of them? A Pretty much, the boys, grown up ones, about the little ones I could not tell you.

Q Did you know whether his wife had any children before she married, whether he had any stepchildren by his first wife? A I don't know anything very much about the children, for I never asked them about them.
Q Do you know where he and his second wife were married? A Well, yes, I remember about it perfectly well.
Q Were you present or just neighborhood news? A Just neighborhood news.
Q Well, now, about what year do you think they left there, Mr. Walker? A I almost know for certain it was about '89.
Q Now, I believe you state for more than 20 years he lived on this farm adjoining yours? A Yes, sir.
Q Did you see him frequently? A Yes, sir, two or three times a day for that matter and maybe not more than once a week, just as happened; he was often about my place, we borrowed and loaned tools and was there a good many times.
MR. MELLETTE: When did you get acquainted with Joe Duncan?
A Well, it was first when he moved there that year got really acquainted with him.
Q When did he move there? A It was when he bought that place, that was several years after the war.
Q You don't know where he was in 1866, '67 and '8? Right after the war? A I could not be certain about that time.
Q All you know is that he came there sometime after the war?
A Yes.
Q And he bought that place? A He bought it off at the sale, auction of school land.
Q Did he buy it? A I understand he did.
Q You don't know anything about that of your own knowledge?
A Wasn't present at the same.
Q Well, you think that was four or five years after the war that he came there, don't you? A Yes, sir.
Q More than that? A I could not say.
Q Might have been more than that? A Might have been more.
Q You don't know where he was before that time?
A I heard of him being up on what we called Sugar creek.
Q Did you know of him? A I heard of him.
Q When did you hear of them? A He claimed acquaintance with me, that he worked on a building in Fort Scott before he moved there and I remembered him afterwards I thought; he was a good big chunk of a boy.
Q He was a plasterer by trade? A Stone mason.
Q Well, after he came there and moved near you, he was away a great deal? A Yes, as he went away working.
Q Well, he was down in the Territory working? A I don't know of his being there, he might have gone, I never paid any attention.
Q You generally watched him very close? A No.

DOUGLAS WALKER, being duly sworn by Commissioner Needles, testified as follows:
MR. HASTINGS: What is your name? A Douglas Walker.
Q What is your age? A 50 years old.
Q This your father who has just left the stand? A Yes, sir.
Q You have been living around Mound City, Kansas? A Since '57, May.
Q Did you know a colored man up in that country by the name of Joe Duncan? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did he have more than one? A Yes, sir.
Q Did you know his wife first? A Yes, sir.
Q What was her name? A Willie.
Q What was his second wife's name? A Elizabeth.
Q Did you know her name before he married her?
A No, I don't know as I did.
Q Did he have any children? A Yes.
Q Do you remember any of his children's names? A Yes.
Q Well, what were their names? A Which ones, you mean the first.

Q By any of them? A There was Lawson Duncan, Joe Duncan, Joe died there; George Duncan, Ann Duncan, Elizabeth Duncan, they was the first family.
Q Well, by his second wife? A Yes, I know their names, two or three of them.
Q Well, just identify them? A One was called Joel, clear forgotten the others names yet I know them.
Q How far did Joe Duncan live from you? A We joined farms there was a road between them.
Q About how far were your houses apart? A Two hundred yards probably.
Q Now, how long did he live there near your family or your father's family? A To the best of my recollection he moved there in '67 or '8, he moved away in '88, December.
Q That is your best judgment? A Yes, sir, I didn't keep any dates.
Q You know he lived there a number of years? A Yes, a number of years.
Q Did you see him frequently? A Oh, yes, worked for me.
Q Did he own a farm there? A Yes, sir.
Q Lived on it? A Yes, sir.
Q Where did his first wife die? A She died there.
Q Any of the children by his second wife born there? A Two or three.
Q Do you know where they went to when they left there? A Said they were coming to the Cherokee Nation.
Q Had you ever seen Joe Duncan before he moved on this farm and lived near you? A Yes, I had saw him but wasn't acquainted with him.
Q Well, now, during these years that you state that he lived near you did you miss him for any considerable time? A I don't remember that I did; well, he was a stone mason, he worked some at the carpenter trade.
Q Did you miss his family? A No, sir.
Q Did you know whether his family attended those schools up there? A Yes, sir, I was clerk of the district part of the time.
Q Do you know whether Joe Duncan voted? A Yes, sir, he voted at the school meetings and voted at the elections.
MR.MELLETTE: You don't know where Joe Duncan was in 1866 and '7 and '8 do you? A Yes, part of that time I do.
Q There? A I don't remember positive whether it was '67 or '68 when he bought this tract of school land joining us, but it was close there, one or the other of those years.
Q There is a record of it? A I suppose there is. The land was sold at auction.
Q You know it was one of those years? A Yes, it might have been as late as '68, I haven't kept any dates.
Q May not it have been as late as '69? A I think not.
Q Why not? A Well, from certain things that transpired; there was a section of land other parties bought there.
Q You don't know whether he was in the Nation in '66 or not, do you? A No, I do not.

J.J.HAWKINS, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:
MR.HASTINGS: What is your name? A J. J. Hawkins.
Q What is your post office? A Mound City, Kansas.
Q How old are you? A 63.
Q How long have you lived in and about Mound City, Kansas? A 33 years.
Q Did you know a colored man up in that country by the name of Joe Duncan? A I did.
Q Where did he live? A He lived about seven miles west of Mound City.
Q Lived on a farm? A Yes, sir.

Q How far from you? A Well, about two or three years.
Q How long did you know him to live there? A Well, I lived in that neighborhood about seven years and my impression is that Duncan was there all the time I lived there.
Q Did you move away from there? A I moved away.
Q Now, when did you move away? A I moved away in the fall of '75.
Q And he had been there now about how long before that?
A He had been there since '68; I went there in 1868.
Q You think he was there when you went there? A Yes, sir.
Q And you left him there? A Yes, that is my recollection.
Q How far did you move from there? A Moved seven miles.
Q Did you know anything about him after that? A Yes, sir.
Q Well, now how long did you know anything about him?
A Well, I think I knew Joe somewhere up to '85 or '90; I could not be particular but it was between '89 and '90.
Q How far was he living from Mr. Walker that just left the stand when you first knew him up there? A When I first knew him he didn't live near Mr. Walker at all.
Q Well, did he afterwards move near him? A Yes, sir.
Q Mr. Walker has been a witness here? A Yes, sir.
Q I believe you had no personal acquaintance with his family?
A No, sir.

Mr. MENETTE: Well, when did Joe Duncan come and move on that place close to Mr. Walker's? A I could not tell you when he went.
Q Well, about what year? A I could not give you the year.
Q Did he go to living on that place while you were there?
A I could not tell you that.
Q You don't know where he lived? A When?
Q When you lived there? A Yes.
Q You said you lived in there about seven years until 1875?
A Yes, sir.
Q About how close did you live to him? A About two or three miles.
Q Did he live on the place close to Walker's at that time?
A No, sir, did not.
Q Didn't live anywhere close to Walker at that time?
A He lived somewhere in the neighborhood, about six or seven miles.
Q Lived six or seven, eight miles of these Walkers that testified here? A You don't understand me, he lived in the same district I did; I moved in the district that Joe Duncan lived in. I moved away from there in '75; I don't know when Joe Duncan moved away from where I first got acquainted with him.
Q I understand you; he didn't live in the neighborhood of the Walkers when you moved in that district? A No, sir; he may have moved before I moved away and may not.
Q Well, during the time he lived in there he didn't live near the Walkers, that is he didn't live adjoining farm to them?
A No, sir, not up until '75, my recollection is he didn't live near the Walkers.
Q He must have lived six or seven miles from them? A Yes, sir.

ROBERT FLEMING, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. HASTINGS: What is your name? A Robert Fleming.
Q Where do you live, Mr. Fleming? A I live at Mound City, Kansas.
Q How long have you lived there? A 42 years.
Q How old are you? A 60 years old.
Q What is your business? A I am what you call livestock dealer.
Q Mr. Fleming, did you know a colored man up in that country by the name of Joe Duncan? A I do.
Q Did you know his family? A I don't know much about his family; I knew them when I met them in the road; I didn't know their names.

Q You don't know their names? A Not all of them.
Q Did you know his wife's name? A Yes, sir.
Q What was her name? A Her name was Lizzie; she was a widow woman, Spence I believe she lived at our house when they married.
Q Now, when did you first learn to know Joe Duncan?
A Oh, I have known him a good many years, I first remember him sometime after the war, I guess it was, he lived near us on what is called Montogomery farm.
Q About how long have you known him? A I guess 30 years.
Q I mean about how long after the war when you first learned to know him? A It was right immediately after the war, I think; I would not fix the date.

MR.MELLETTE: Now? A It was immediately after the war.

MR.HASTINGS: Was he married when you first knew him?
A I could not say that.
Q Do you remember his first wife's name? A No, sir.
Q Well, a few years after you knew him what was he doing?
A He lived on Col. Montgomery's farm.
Q Where did he go from that Montgomery farm? A He moved from there over to Elk creek about five miles; well, he was in town a while.
Q Mound City? A Yes, sir, but I could not tell when I remember seeing him in town.
Q Well, now, about what time did you know him; when did he leave there? A He left there in about '90 or '91; '90 I think.
Q Now, how do you fix that date? A Well, I remember Joe Duncan built a flue for me; built a wall for the house, I built the wall and he built the flue for the house in '90.
Q Do you know where his family was at that time? A I think they had moved away, I could not tell just when, but I think they moved away a while before he built this flue because I think he talked to me about it.
Q Do you know where his family went to? A I think they came down in this country somewhere.
Q Well, now, during all these years you knew him did you see him frequently? A Well, from about '75 I saw him very frequently, somewhere about '75.
Q Did you live in town? A Yes, sir; the way I remember it I was dealing in stock and I had some dealings with him all along same as other farmers, buying and shipping.
Q Do you know whether he owned a farm or not? A Yes, sir, I think he owned a farm; he lived on there on Elk Creek, he claimed to own it.

MR.MELLETTE: When did he go to living on that farm he claimed to own? A I could not tell exactly.
Q Well, about what time? A I should think it was, well it would be just guess work.
Q I know that, but then give me a guess? A Well I know his family lived there in '75.
Q You say it has been about 30 years since you knew Joe Duncan?
A Yes, sir.
Q That would be about '70 you got acquainted with him?
A Yes, sir, somewhere along there.
Q You don't know where he was in 1868 and '69, years of that kind?
A Well, I would not swear positively but he was around there I saw him, seen him a great deal he lived in our neighborhood, the same creek we lived on.
Q When was he there you say he was there in 1868? A, I would not swear he was.
Q How old are you? A I am 56. I think he was there, he might have been here somewhere but he was there in 1868, he was there all along every year, but he might have been here in [illegible], I could not tell as to that.

O. P. WATSON, being duly sworn by Commissioner Needles, testified as follows, on behalf of the Cherokee Nation.

MR. HASTINGS: What is your name? A O. P. Watson.
Q What is your age? A 69.
Q How long have you lived in and about Mound City, Kansas; you live there don't you? A Yes, sir.
Q How long have you lived in and about Mound City, Kansas? A 51 years.
Q Did you know a colored man by the name of Joe Duncan? A Yes, sir.
Q Did you know his wife? A I knew his last wife, I didn't much about his first wife.
Q Do you know where his first wife died? A Mound City.
Q Do you know where he was married to his second wife?
A Mound City.
Q What was her name? A I think her name was Lizzie, or Elizabeth.
Q Do you know whether she had ever been married before or not?
A No, sir, I don't.
Q Well, about when did you first learn to know Joe Duncan?
A Soon after the close of the war.
Q About how long did you know him, and about when did he leave there? A He left there in '89.
Q Well; you saw him after the war up until 1889, did you see him frequently; do you know of his family? A Yes, sir.
Q Were they living near there? A Yes, sir.
Q What is your occupation? A I am not doing anything now, I used to be in the mercantile business.

MR. WELLETTE: Well, how soon after the war did you get acquainted with Joe Duncan? A I could not say, soon after the war; he was what we call an old timer there.
Q You can't give the year? A Yes, sir.
Q You don't claim to have known him in 1866 or 1867?
A I presume I did, but I am not positive.

Com'r Needles: This testimony will be made part of the record in Freedman Doubtful cases #892 and 893.

—:-:—

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 10th, 1901.

(Signed) T. B. Needles,

Commissioner.

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Arthur L. Groninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur L. Groninger

Subscribed and sworn to before me this 27th day of November, 1901.

W. M. Grace
Notary Public.

D. 892

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on _____

_____

by delivering a true copy thereof on the _____ day of _____ A. D. 190__

Given under my hand this _____ day of _____ A. D. 190__

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the SEP 23 1901 day of _____ 190__

Mabeth I Pruitt
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to _____

_____

on the _____ day of _____ A. D. 190__

_____

Subscribed and sworn to before me this _____

_____
Notary Public.

[illegible]

SEP 24 190[illegible]

NOTICE!

IN THE MATTER OF the application of Elizabeth Timson for enrollment as Cherokee citizens:

Case No. D 888

To Elizabeth Timson or Mollette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, Indian Territory, on Oct. 19th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this OCT 23 1901

L B Bell

T. M. Wheeler Jr.

Attorneys for the Cherokee Nation.

Supl. Order.-C.F.-D.602.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., October 19th, 1901.

SUPPLEMENTAL ORDER in the matter of the enrollment of Elizabeth Timmon as a Cherokee Freedman, C.F.-D.602, by request of Mr. Davenport, of Counsel for Cherokee Nation:

Com'r Needles: In the matter of the application of Elizabeth Timmon, D.602, the testimony taken in doubtful case #671, Elizabeth Timmon, will be made a part of the record in the case of said Elizabeth Timmon and a copy of the testimony filed therein.

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J. O. Rosson, being duly sworn by Commissioner Needles, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

J. O. Rosson

Subscribed and sworn to before me this October 19th, 1901.

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Elizabeth Timmon
~~[illegible]~~, D 882;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

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CLERK, UNITED STATES COURT OF APPEALS
FOURTH CIRCUIT

in the case of Moses Thompson, trustee, vs. Cherokee Nation, on file in the Court of Claims to the consent of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this extension or to the granting of this request for the reason that most of these applicants have had more than a year in which to file full of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this before the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case but in each case separate, unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. S. Reuter,
Notary Public.

I, E. G. Rogwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. G. Rogwell

Subscribed and sworn to before me this July 22, 1902.

P. S. Reuter

Freed D 680

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERTY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case D D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Millie Duncan, D 692;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in such individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the part of claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases where [illegible] the application of those which came within the provisions of the [illegible] granted by Judge Hill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The [illegible] the above named cases including [illegible] for the applicants be allowed [illegible] the proof of any of the records [illegible] the cases already referred to

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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In the case of Moses Whitaire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above cases, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

[illegible]
Notary Public.

Freed Bases

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17000 filed in the Mariah Hayden case # 3,[illegible], a part of the record in this case and the cases hereinafter mentioned by reference in the said case of the said Mariah Hayden, and to it be deemed necessary that a copy of the said decree be filed in each case and in the following cases, to-wit:

[illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be sustained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Hill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases [illegible] the Mariah Hayden case that counsel for the applicant [illegible] to file any [illegible] of the decree already entered in the

[illegible] Charles to the counsel of the Deportee petition if it is [illegible] to do.

V. W. [illegible]

The Deportee petition [illegible] most strenuously objects to the allowance of this application or to the granting of this request for [illegible] more time applicants have had more than a year in which to file all [illegible] that they desired to file to make our [illegible] the Commission [illegible] time, that the case would be given them all by agreement [illegible] that the case would be closed so far as [illegible] was concerned by the opposed petition of the firm of attorney representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is good special and particular reason shown either by the Deportee petition on the side of the applicant or the other by an extension of time is necessary or desired.

The Commission [illegible]

The law provides [illegible] of Deportee freedom shall be met in strict compliance with the decree of the Court of Claims rendered the 3rd day of [illegible], 1902, and as the Commission must take judicial notice of the [illegible] roll of said Court in the [illegible] of the [illegible] of attorneys for applicants for additional time to file [illegible] said Court is denied.

[illegible]

The undersigned, being duly sworn, states that he is a stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Fothenberg.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) E. G. Hunter,
(SEAL) Notary Public.

I, E. G. Hagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and [illegible] copy of the original testimony in the above entitled [illegible] filed with the Commission, which copy was made by me.

[illegible]

Subscribed and sworn to before me this July 23, 1902.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedman D-871.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Elizabeth Duncan, et al., as Cherokee Freedmen.

It appears that on October 14, 1904, the applicant, her attorney, and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 18th day of November, 1904, and introduce testimony touching the points mentioned in said letter, at which time said case would be taken up for final consideration.

On said above mentioned date this case was continued by consent and on November 21, 1904, the following proceedings were had.

APPEARANCES:
Applicant appears by attorneys, Blue & Bulger:
Cherokee Nation by W. W. Hastings.

ALEX NEVINS being duly sworn, testifies as follows:

BY J. J. BULGER;

Q What is your name? A Alex Nevins
Q Where do you live? A Fort Gibson.
Q Did you know a man by the name of Joe Duncan at the commencement of the Rebellion? A Yes, sir.
Q Where did you know him? A He used to live up on the Verdigris, just below Gibson Station.
Q Was he the slave of a Cherokee citizen at the commencement of the war? A Yes, sir. His master was a white man but his wife was a Cherokee.
Q When was the last time that you saw Joe Duncan? A Well, it was directly after peace was made; along in '66. The reason I say '66; our wagon boss come through Gibson one day and I asked him where he was going, and he said, " I am going down below here to buy me up some cattle, and he says to me one day, "Do you know what year this is?" and I tell him "Well, Mr. Marhsll, not exactly, " and I ask him what year were that, and he tell me I ought to know, and I say "All right enough, but I don't.", and so I keep on after him, and he say, it is the year of '66, and well, after he tell me that he went off, and sometime after Christmas, this here young man, Joe Duncan, I saw him.
Q That was after Christmas in '66? A Yes,sir, along after Christmas, '66 .
Q Where was it you saw Duncan after Christmas? A He was at Fort Gibson. I met this young man and I asked him , "Joe, where are you from?" and he told me from Kansas, and I says,

and I says, where are you going now, and he says, "I have just come down for a while, " and I says, "Aint you a going to move back"? and he said yes he was ageing to move back here, not down here to Gibson, was going to live up in Cooweescoowee

BY W. W. HASTINGS:

Q How long after Christmas was this? A I don't know exactly how long.
Q About spring of the year? A Along about spring, when I saw him I reckon,
Q Some three or fo r months after Christmas? A Well, I don't know whether three or four months, but after Christmas.
Q What year is this? A This is 1904.
Q What year was the Kern-Clifton roll made? A Well, I couldn't tell you till I had my papers here; My recollection is tolerable short.
Q You won't be certain about these years, will you?
A No sir, not certain, to tell you the truth.
Q Been too long ago, has it? A Yes, been too long ago.
Q And take a man back 38 years he can't be certain?
A Some men can.
Q But you can't? A Well, now, I can't.
Q And you don't propose to swear here now about any certain year?
A No, I can't.
Q When this fellow came back he didn't have his wife with him did he ? A No sir, didn't have no wife.
Q Didn't have any children? A No sir, didn't have any children when I saw him.
Q You could not tell how long after the war? A No,sir, only just by what the wagon boss told me.
Q And this was some time after that you saw Joe Duncan?
A After that.
Q After you saw this wagon boss and he told you the year ?
A Yes,sir.
Q And you say it was along about Spring? A Well, I wouldn't say it was Spring, but it was after Christmas.
Q How long did you see Joe Duncan there? A Just saw him that one day.
Q You never saw him before and you never saw him since?
A No, sir.
Q And he lit out straight for Kansas? A I couldn't tell you where he went to; I went my way and I don't know where he went to.
Q Where did you live before the war? A At John Evans's, at the mouth of Grand River.
Q How old was Joe Duncan when the war came up? A I couldn't tell you.
Q Four or five years old? A To tell you the truth I don't know
Q You can not swear to that? A No, I wouldn't undertake it.
Q He might have been four or five years old? younger, or elder?
A Yes,sir.
Q That's your best judgment is it?
A Yes sir, my best judgment.
Q You don't know who his mistress was? A No sir, they tell me she was a Cherokee.

Q You never were at his place before the war? A Oh yes, I have been there before the war.
Q But you never saw him there before the war? A Oh yes,sir, that's where I seen him before the war.
Q If you knew him before the war why can't you say whether he was older or younger than four years old, or five, before the war? A Why, I couldn't tell nothing about his age; I couldn't tell my own age then.
Q But you could tell whether he was much older or much younger than that? A I could have if I had paid any attention to it, but then times we was slaves and didn't pay no attnetion. I didn't know my own age then, then times.
Q Then you say you don't know whether he was older than four or five years? A No, sir
Q Was he by himself when he came from Kansas? A Yes,sir.
Q He was walking? A Yes,sir, but he had a team there somewheres.
Q Did you see the team? A No sir, that was what he said.
Q He was only eight or ten years of age at that time? A I don't know, sir.
Q Well, don't you know about what his age was? A No, sir, I am going to tell you the truth, I didn't know his age; I did not know my own at that time, or until just a few years ago.
Q Don't you know about this fellow enough to know whether he was more than eight or ten years of age when he told you he had come all the way from Kansas? A Why, I don't know, he may have been more that eight or ten years of age, but to say his age I don't know that.
Q You don't know whether he was older or younger?
A No sir, I don't know that; I don't know his age, I couldn't tell you that for certain.
Q You testified in a case for Jack Brady or Jack Thompson, once didn't you? A Yes,sir.
Q You are that same man? A Yes,sir.
Q You testified in that case that you were living out there on the bayou, near Jack's father, didn't you?
A Yes,sir, I was living out near there, I remember that time.
Q And you said that this Jack Brady or Jack Thompson, came all the way from Texas on horseback to visit his father in 1866, didn't you? A No, sir, I didnot tell you that.
Q You deny then, saying you saw him in 1866? A Yes,sir, I deny that
Q You are, however, the same man who on May 31, 1902, in this same room, testified in that case?
A Yes,sir, I was here and testified.
Q You deny that you testified in that case that you saw Jack Brady in the year 1866? A Well, if I had been able to put every testimony down that I testified I would be able to answer that, but I couldn't put anything down and I don't think you ought to ask me that.
Q Did you see Jack Brady in 1866? A I am not able to say at this time. I can't tell you right now, I can not testify the same as I could then.
Q Then you don't know the year 1866? A Not unless I put it down on a book or somewhere.
Q You didn't put it down in the Joe Duncan case, did you?
A No sir, but I remember that by our wagon boss .

Q Well, why don't you remember this Brady by the wagon boss ?
A But he didn't tell me anything about that Brady.
Q Well, he didn't tell you anything ab ut Duncan either did he?
A No, sir, but he told me the year, that is what I said, he told me the year.
Q I will ask you if you did not, on May 31, 1902, in this room, under oath, in the Jack Brady case, C.F.D. 136, make this answer: "Well he came to his father's out on Four Mile Branch in 1866, at his father's on Four Mile Branch" Did you make that answer? A Well, I may have told him that, but I'll never tell you, it has been so long since I ever spoke of that I just can't remember, to tell you the truth. I am here to tell the truth.
Q I will ask you if, in the same case, you did not say that this man Jack Brady came horseback from Texas? A Yes, he came there horseback when I seen him there that time.
Q Don't you know that Jack Brady was not born until 1864 according to his own testimony, and that he was, therefore, two years old or less in 1866? A No sir , I don't know that.
Q Well, you don't know much about 1866 do you? A I know it.
Q And you are now unwilling to swear about what happened that you can't remember, aren't you? A I am willing to swear about what I know, and what I don't know I don't swear.

BY MR. HASTINGS: For the purpose of impeaching this witness the Cherokee Nation asks that the testimony of Alex Nevins in Cherokee Freedman D-136, as well as the testimony of John F. Wilson and D. H. Flourney in the same case on the part of the Cherokee Nation, be introduced and made a part of the record in this case. And the Cherokee Nation also asks that the ge of Jack Brady which is given as thirty-eight in 1901, be called attention to, so as to show the age of the said Jack Brady in 1866.

BY MR. BULGER:
Q At the time you saw Joe Duncan at Fort Gibson in 1866, what were you doing? A I was not doing anything particular. I was working around town there. I think I was living down in the bottom then.
Q Was Joe Duncan employed at anything at that time? A No sir I don't think he was.
Q You just happened to meet him? A Yes sir, just happened to meet him
Q You had been acquainted with him before the war? A Oh yes
Q Was Joe Duncan at that time apparently a man, of age?
A Before the war ?
Q No, when you saw him in 1866? A Well, he may have been, he looked like he was a man. I couldn't tell you sir.
Q You know whether or not a fellow is a man? A Well, I guess he was a man, he had a mustache
Q Did Joe Duncan leave Fort Gibson soon after you saw him.
A He told me he was going away, I don't know whether he went or not.
Q Did you and Joe Duncan work together after, or during the war?
A No sir.
Q Were you in the army during the war?
A Yes sir, I was a teamster.
Q Were you teaming when you saw Joe Duncan in 1866? A No sir.

Exhibit 12

Ex. D. 892

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COMMISSION TO FIVE TRIBES.

BY W.W.HASTINGS:

Q Did you ever see him after that? A I never did see him.
Q Why you have just answered Mr. Bulger that you knew him before the war, did you know him before the war? A I knew him before the war.
Q How old was he before the war? A I don't know sir.
BY COMMISSION:
Q You have some i dea, come now, tell us? A I couldn't tell you sir.

BY MR. HASTINGS:
Q Was he a baby in his mother's arms, or five or six years old or how old was he? A Well, when I saw him at his master's he was a good sized boy and me and him played together; he could have been five or six years old, or might have been ten years old, I didn't know his age, I didn't know my own age.
Q Well you can tell about his age, whether he was five or six years old or not? A Well, he might have been five or six years old.
Q And the next time you saw him he was a grown man with a mustache? A Yes,sir.
Q And that was the first time you saw him after the war, when he was a grown man with a mustache? A No sir, I seen him all during the war.
Q Didn't you tell Mr. Bulger you didn't see him during the war ?
A No sir, I said we didn't work together.
Q Did you see him during the war? A Yes,sir.
Q Where at? A At Fort Scott.
Q Was he living there? A He was working there for the Government.
Q Working there for the Government? A He was shoeing mules for the Government.
Q You never saw him in the Cherokee Nation after you claim to have met him there in the street? A No, sir, I never seen him after that. This is three times I have told you that now.

-o-o-o-o-o-o-o- -o-

Lucy M. Bowman being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings in this case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 8 day of December 1904

Charles H. Lawyer
Notary Public

Cher Fr D 893

Cher Fr D 893

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 27, 1901.

In the matter of the application of Emma Williams for the enrollment of herself and one child as Cherokee Freedmen.

Appearances:
Mallette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Emma Williams, being duly sworn and examined by Commissioner Needles, testified as follows;

Q What is your name? A Emma Williams.
Q How old are you? A 24.
Q What is your post office address? A Coffeyville, Kansas.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A No, sir, a descendant.
Q Who do you want to enroll besides yourself? A My baby.
Q What is your baby's name? A Lee Edgar Williams.
Q How old is he? A A year old.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Walter Williams.
Q Is he a citizen? A No, sir, he is a non citizen.
Q What is your father's name? A Joe Duncan.
Q What is your mother's name? A Millie Orr.
Q Are you a full sister ot Elizabeth Tinnon? A Yes, sir.
Q Same father and same mother? A Yes, sir.
Q Where were you married? A Parsons, Kansas.
Q You live in Parsons, Kansas? A My husband lives there now, he works there, and I live with my mother.
Q That is a curious way for young people to live? A Yes, sir, but we can't do any better.
Q To hold your rights? A Yes, sir.
Q Where were you born? A I don't know sir where I was born.
Q Where can you recollect of being the first time you can recollect?
A Over on Verdigris.
Q Well, how long did you live on Verdigris? A I don't know that.
Q When do you first recollect of living in Kansas? A Why I never lived in Kansas at all only when I worked there, I lived with my father
Q What is your husband doing in Kansas? A He works for the railroad company.
Q You keep house up there? A No, sir.
Q Never have kept house up there? A No, sir, he rooms, I go up there and visit him three or four weeks or a month.
Q Does he ever come down here and visit you? A Yes, sir, he is here now.
Q He isn't an applicant? A No, sir.
Q Where was Lee born? A In Parsons, Kansas.
Q You recollect your mother? A No, sir.
Q Is your father living? A No, sir.
Q How long has he been dead? A Died in January.
Mr. W.W.Hastings, Cherokee attorney: What was the date of your marriage? A In 1897 I think.
Q You were married in Parsons? A Yes, sir.
Q Just one child? A Yes, sir
Q It was born in Parsons? A Yes, sir.
Q Your husband lives there now? A Yes, sir, works there.
Q And you came from there last week? A No, sir, I didn't.
Q Where did you come from last week? A Came from my mother's.
Q Where does she live? A She lives on Cedar Creek, my stepmother.
Q How long had you been to your stepmother's? A I live there.

Q How long had you actually been there this time before you came here? A Off and on, all the time.
Q Not off and on, just this last time, when you came from there here? A Why I don't know, been there a year or two or three or four years.
Q You mean to say you have been there a year since you have been in Parsons? A No, I have been there.
Q When did you leave Parsons? A Why I went up there in January.
Q I asked you when you left there? A I don't know when I left there, three or four weeks ago.
Q Went up in January? A Yes, sir, when my father died, went back up there.
Q You came down when your father died? A Yes, sir.
Q And your father died in January? A Yes, sir.
Q And you went back in January? A Yes, sir, I live back and forth.
Q Who were you living by as a neighbor when you can first remember? A Here in the Territory, Uncle Nelson Murrell and Uncle Joe Ross, and different ones.
Q Living with your mother? A Yes, sir, and my father.
Q Your stepmother you mean? A Yes, sir.
Q How old are you? A 24.
Q Don't you know as a matter of family knowledge where your mother died? A No, sir, I don't know where she died.
Q You never inquired of your father? A No, sir, he didn't allow us to ask him any questions and I didn't ask him.
Q Didn't allow you to ask any questions about your mother? A No, sir, I don't know where she died at.
Q Where did your father marry the second time? A He married in Kansas.
Q At what town? A I don't know.
Commissioner: What is your stepmother's name? A Lizzie Duncan
Q Where did you live until you were married? A I lived with my father.
Q Where? A Up on Verdigris, then on Cedar Creek.
Q Cherokee Nation? A Yes, sir, Cherokee Nation.
Q You were married about '98 then? A Yes, sir.
Q Four years ago? A Yes, sir.
Q Only got one child? A Only one child.
Q How long has your father been dead? A Died in January.
Q Last January? A Yes, sir.
Q Did he die in the Cherokee Nation or in Kansas? A He died in the Cherokee Nation, up on Cedar Creek.
Mr. Hastings: Were you ever married before? A No, sir.
Q Just been married one time? A Just the one time.
Q Ever live with anyone else as your husband before? A No, sir.
Commissioner: Is your name on any of the rolls of the Cherokee Nation? A Yes, sir.
Q Which roll? A Kern-Clifton roll.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, Page 151, No. 3739, Coowescoowee district, as Emma Duncan.

Mr. Hastings: You ever livein Coffeyville, Kansas? A I worked up there.
Q Did you ever live there with a man named Austin Driver? A I went with him, I never lived with him.

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Q You took his name and you went by Emma Driver for a while?
A People called me that.
Q You lived with him? A No, sir, I didn't live with him.
Q People called you by his name? A Yes sir, because I went with him, I wasn't married to him.
Commissioner: Ever have any children by him? A No, sir, just got this child.
Mr. Hastings: When was that you were working in Coffeyville?
A Off and on, six or seven years ago.

Commissioner: Emma Williams applies for the enrollment of herself. Her name cannot be identified upon the authenticated roll of 1880. She is identified upon the Kern-Clifton roll as Emma Duncan. She also applies for the enrollment of her child, Lee E., one year of age. She avers that she is the child of Joseph Duncan, and that her mother's name was Millie, and that she is an own sister of Elizabeth Tinnon, who has this day been listed for enrollment on D card 892. She avers that she is a stepdaughter of Elizabeth Duncan, who was the wife of her father, Joe Duncan, and said Elizabeth Duncan was listed for enrollment on D card 871. The testimony in the matter of the enrollment of her sister, Elizabeth Tinnon, on D card 892, and her stepmother, Elizabeth Duncan, on D card 871, will be made part of the record in the case at bar, and copies of aid testimony will be filed herewith. It will be necessary for her to make satisfactory proof of the birth of her child, Lee E. As to the matter of her citizenship and more especially the matter of her residence, reference is made to the testimony. Said Emma Williams, nee Duncan, and her child, Lee E. Williams, will now be listed for enrollment as Cherokee Freedmen upon a doubtful card, she averring that she is married to one Walter Williams, a non citizen, in the year 1887 in the State of Kansas. She will be notified by mail of the action of the Commission in the premises.

****

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn t and subscr bed before me this the 9th of July, 1901.

Commissioner.

To be filed with C.F.D. 683, Duma Williams and others.

Supl.C.F.-D.#671.

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I.T., October 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Elizabeth Duncan as a Cherokee Freedman, introduced on part of Cherokee Nation.

APPEARANCES:
Mr. Mellette, of counsel for applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

MIAMI WALKER, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A Miami Walker.
Q What is your age, Mrs. Walker? A 76.
Q What is your post office? A Blue Mounds.
Q Kansas? A Kansas, Linn County, Kansas.
Q How long have you lived there? A We have only lived there two years, but we lived down there on the other place where we sold.
Q How far do you live from Mound City, Kansas? A Five miles south of Mound City.
Q Now, how long did you live in the neighborhood of Mound City, Kansas? A Well, we come there in 1857 and lived there until two years ago and now we are in the neighborhood you might say.
Q Did you ever know a colored man by the name of Joe Duncan?
A Oh, well.
Q When did you first learn to know him? A Well, I can't fix no date just when he first moved up there.
Q Well, the best of your judgment with reference to the war?
A It was after the war, well it might have been '55 or '6, it was right after the war.
Q Do you mean '66 or '6? A Yes; when did the war end?
Q Did the war end in '55 or '6? A Yes, when did it end, '54.
Q I was asking you to state when the war ended? A '54.
Q Do you mean '54, '50? A It was after the war.
Q It was after the war was it? A Yes, sir, about a year.
Q About a year after the war? A Yes, sir.
Q Where was Joe Duncan when you first knew him? A When I first knew him he was on his place; he bought some land you know joining us.
Q After the war? A After the war, that is the first I knew of him and moved on that place.
Q Well, now, how long did he live there joining you? A He must have lived there 25 or 30 years.
Q What was his wife's name? A The first wife's name was Millie and she died and burried there at Mound City, and the next wife's name was Lizzie Spence.
Q Where did he marry her? A At Mound City.
Q Did he have any children? A Quite a number of children by his first wife and last wife.
Q Did he have some children by his last wife? A Yes, sir.
Q Do you remember any of their names? A Yes, sir, I remember all of their names, that was born there.
Q What were their names? A Clayton and Harry.
Q About when did they leave there? A About '88 or '9.
Q You say they owned a farm by you? A Yes, sir.
Q Lived on it? A Yes, sir, lived on it all the time; well, they stayed there until they came south, I was right with them almost every day, they lived right by me.
Q About how far? A Well, joined corners with us, right in sight anyway.
Q Did Joe Duncan come off down here? A Yes, sir; helped them get ready when they moved.

Q Now, do you know that he lived there on that place from the close of the war until '88 or '9? A Yes, sir, I saw him almost every day; he worked for us considerable.
Q Now, about how long after the war was it until you first knew him? A Well, it might have been a year and might have been two, he came there after the war.
Q When did he dispose of the place with reference to his leaving there? A He had lost it with a mortgage, I can't tell you.
Q He lost it before he left there? A Yes, sir.
Q Some mortgage on it? A Yes, sir.
MR.MELLETTE: How old are you? A 76.
Q What year did you say the war closed? A Well, I forget it. I believe it was '55, '4 or '5.
Q Well, you know this year don't you? A Oh, yes.
Q You say Joe Duncan bought a place up there? A Bought a place joining us.
Q How do you know he bought it? A Because I know he lived on it and he owned it to be mortgaged.
Q Now, it belonged to his wife didn't it, his first wife?
A She didn't own any property at all, his first wife.
Q Well, did it belong to one of his wives? A I think before he married the last wife-
Q Now, you say you saw him every day? A Nearly, when he was at home, he worked at our house a good deal.
Q Now, what was his business? A He was a plasterer by trade.
Q And he went from place to place? A He didn't go any further than Mound City; he used to be a blacksmith.
Q Now, isn't it a fact that he came down here in the Territory and worked a good deal? A I don't know of his doing it.
Q You don't mean to say for 30 years you watched Joe Duncan?
A I didn't have to watch him, I could see him without watching.
Q How long do you think he worked for you in 30 years?
A Off and on at little day jobs.
Q Will you swear that he was not absent from that place two years at a time for 30 years? A I am nearly certain he was not.
Q You want your testimony to go down in that way, do you?
A He was absent, he worked in Mound City, but he never went away.
Q Now, do you say that his wife wasn't absent from that place two years at a time? A I know she was not; no, sir.
Q What was her first name? A Lizzie.
Q You say she was not absent from there? A She was not absent no more than to go to town and some place.
Q That is as much as she was ever absent? A As much as I ever knew of her being absent.
Q Don't you know that she was down in this country and lived on a place here. A I didn't know of her living away, she came down here.
Q And she came down here? A She came when they left.
Q When did they leave? A '88 or '89.
Q Well, which do you think it was? A Well, it was 12 years ago, this winter.
Q What makes you remember it? A I remember the birth of one of my sons and she was with me and got ready to go within two or three days.
Q Have you seen her since that time? A No, sir.
Q Would you know her if you were to see her? A I would if she has not changed very much, because I was very personally acquainted with her.
Q Do you know whether the woman who is an applicant here for enrollment is the one you knew up in Kansas? A I haven't seen her since, but I know that is her name.
Q You don't know anything about the woman who is applying for citizenship down here? A I would know her if I was to see her.
Q You don't know where Joe Duncan was in 1888, do you? A I don't know where he was, but he must have been, I don't know that he had come out of this place at that time, I know he bought the place joining us.

Q You don't know when he bought it? A He bought it a year or two after the war and came there, he was a young man when he came there; he was married, he married a widow woman.
Q And that was after the war sometime? A Yes, sir.
Q How many years after the war? A I don't know.
Q Was it one or two or more? A I don't know.
Q You didn't pay much attention and could not say? A I don't know.
Q Now, did you know about his marrying his first wife?
A No, sir.
Q Married before did he? A I knew her but I don't know.
Q Did you know her before he married her? A No, sir.
Q You don't know what he had before he married her? A She had two or three children.
Q She never had any property? A She never had any.
Q Why? A She was too poor.
Q Joe didn't have any money to buy the place with? A He went to work and bought it.
Q Did you ever see him pay anything for it? A No, sir.
Q Now, the deed is on record there if that is his place? A It ought to be.
Q Well, is it? A I don't know.
Q You don't know that that was Joe Duncan's place? A Yes, sir. I knew he bought the place.
Q How do you know he bought it? A How does anybody know anything?
A How do you know he owned it? A He lived on it and owned it.
Q That was his first wife's place before he married her?
A No, sir; I know he went to work and paid for it.
MR.HASTINGS: What is your husband's name? A James Walker.

JAMES WALKER, being duly sworn by Commissioner Needles, testified as follows, on part of the Cherokee Nation:
MR.HASTINGS: What is your name? A James Walker.
Q What is your age, Mr. Walker? A I am in my 75th year.
Q Where do you live? A Up there in Linn County, in Blue Mound Township.
Q Kansas? A Yes, sir.
Q Did you ever live near Mound City, Kansas? A Yes, sir.
Q When did you move away from that neighborhood? A About three years ago.
Q Did you know a colored man up there by the name of Joe Duncan?
A Yes, sir, I knew him well.
Q Did you know what his wife's name was? A Only first names, his first woman was called Millie.
Q What was his second wife? A Just Lizzie that is all I remember, about their names.
Q Did his first wife die? A She died up there on that place.
Q On what place? A The place they lived on at that time.
Q How far was that from your place? A Well, it cornered with my place.
Q Do you know whose place it was they lived on? A They called it Joe Duncan's.
Q How long did he live on that place by you? A From the time he acquired possession, when he bought it, or bid it off on the auction sale of School Land, the 36th section.
Q How long did he live on it after that? A 30 years or more.
Q Now, how far was that from your place? A It was; they cornered as I told you, and we would be perhaps near about 150 ~~xxx~~ rods, houses maybe 300.
Q Well, you knew him during that time did you? A Yes, sir.
Q Did he have some children? A He had quite a number of children.
Q Did you know any of the names of any of them? A Pretty much, the boys, grown up ones, about the little ones I could not tell you.

Q Did you know whether his wife had any children before she married, whether he had any stepchildren by his first wife? A I don't know anything very much about the children, for I never asked them about them.
Q Do you know where he and his second wife were married? A Well, yes, I remember about it perfectly well.
Q Were you present or just neighborhood news? A Just neighborhood news.
Q Well, now, about what year do you think they left there, Mr. Walker? A I almost know for certain it was about '89.
Q Now, I believe you state for more than 20 years he lived on this farm adjoining yours? A Yes, sir.
Q Did you see him frequently? A Yes, sir, two or three times a day for that matter and maybe not more than once a week, just as happened; he was often about my place, we borrowed and loaned tools and was there a good many times.
MR.MELLETTE: When did you get acquainted with Joe Duncan?
A Well, it was first when he moved there that year got really acquainted with him.
Q When did he move there? A It was when he bought that place, that was several years after the war.
Q You don't know where he was in 1866, '67 and '8 right after the war? A I would not be certain about that time.
Q All you know is that he came there sometime after the war?
A Yes.
Q And he bought that place? A He bought it off at the sale, auction of school land.
Q Did he buy it? A I understand he did.
Q You don't know anything about that of your own knowledge?
A Wasn't present at the same.
Q Well, you think that was four or five years after the war that he came there, don't you? A Yes, sir.
Q More than that? A I could not say.
Q Might have been more than that? A Might have been more.
Q You don't know where he was before that time?
A I heard of him being up on what we called Sugar creek.
Q Did you know of him? A I heard of him.
Q When did you hear of them? A He claimed acquaintance with me, that he worked on a building in Fort Scott before he moved there and I remembered him afterwards I thought; he was a good big chunk of a boy.
Q He was a plasterer by trade? A Stone mason.
Q Well, after he came there and moved near you, he was away a great deal? A Yes, as he went away working.
Q Well, he was down in the Territory working? A I don't know of his being there, he might have gone, I never paid any attention.
Q You generally watched him very close? A No.

DOUGLAS WALKER, being duly sworn by Commissioner Needles, testified as follows:
MR.HASTINGS: What is your name? A Douglas Walker.
Q What is your age? A 50 years old.
Q This your father who has just left the stand? A Yes, sir.
Q You have been living around Mound City, Kansas? A Since '57, May,
Q Did you know a colored man up in that country by the name of Joe Duncan? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did he have more than one? A Yes, sir.
Q Did you know his wife first? A Yes, sir.
Q What was her name? A Millie.
Q What was his second wife's name? A Elizabeth.
Q Did you know her name before he married her?
A No, I don't know as I did.
Q Did he have any children? A Yes.
Q Do you remember any of his children's names? A Yes.
Q What were their names? A Which ones you mean, the first.

Q By any of them? A There was Lawson Duncan, Joe Duncan, Joe died there; George Duncan, Ann Duncan, Elizabeth Duncan, they was the first family.
Q Well, by his second wife? A Yes, I know their names, two or three of them.
Q Well, just identify them? A One was called Joel, clear forgotten the others names yet I know them.
Q How far did Joe Duncan live from you? A We joined farms there was a road between them.
Q About how far were your houses apart? A Two hundred yards probably.
Q Well, how long did he live there near your family or your father's family? A To the best of my recollection he moved there in '67 or '8, he moved away in '89, December.
Q That is your best judgment? A Yes, sir, I didn't keep any dates.
Q You know he lived there a number of years? A Yes, a number of years.
Q Did you see him frequently? A Oh, yes, worked for me.
Q Did he own a farm there? A Yes, sir.
Q Lived on it? A Yes, sir.
Q Where did his first wife die? A She died there.
Q Any of the children by his second wife born there? A Two or three.
Q Do you know where they went to when they left there? A Said they were coming to the Cherokee Nation.
Q Had you ever seen Joe Duncan before he moved on this farm and lived near you? A Yes, I had saw him but wasn't acquainted with him.
Q Well, now, during these years that you state that he lived near you did you miss him for any considerable time? A I don't remember that I did; well, he was a stone mason, he worked some at the carpenter trade.
Q Did you miss his family? A No, sir.
Q Did you know whether his family attended those schools up there? A Yes, sir, I was clerk of the district part of the time.
Q Do you know whether Joe Duncan voted? A Yes, sir, he voted at the school meetings and voted at the elections.
MR.MELLETTE: You don't know where Joe Duncan was in 1866 and '7 and '8 do you? A Yes, part of that time I do.
Q Where? A I don't remember positive whether it was '67 or '68 when he bought this tract of school land joining me, but it was close there, one or the other of those years.
Q There is a record of it? A I suppose there is. The land was sold at auction.
Q You know it was one of those years? A Yes, it might have been as late as '68, I haven't kept any dates.
Q May not it have been as late as '69? A I think not.
Q Why not? A Well, from certain things that transpired; there was a section of land other parties bought there.
Q You don't know whether he was in the Nation in '66 or not, do you? A No, I do not.

J. J. HAWKINS, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:
MR. HASTINGS: What is your name? A J. J. Hawkins.
Q What is your post office? A Mound City, Kansas.
Q How old are you? A 63.
Q How long have you lived in and about Mound City?
A 33 years.
Q Did you know a colored man up in that country by the name of Joe Duncan? A I did.
Q Where did he live? A He lived about seven miles west of Mound City.
Q Lived on a farm? A Yes, sir.

Q How far from you? A Well, about two or three years.
Q How long did you know him to live there? A Well, I lived in that neighborhood about seven years and my impression is that Duncan was there all the time I lived there.
Q Did you move away from there? A I moved away.
Q Now, when did you move away? A I moved away in the fall of '75.
Q And he had been there new about how long before that?
A He had been there since '68; I went there in 1868.
Q You think he was there when you went there? A Yes, sir.
Q And you left him there? A Yes, that is my recollection.
Q How far did you move from there? A Moved seven miles.
Q Did you know anything about him after that? A Yes, sir.
Q Well, now, how long did you know anything about him?
A Well, I think I knew Joe somewhere up to '85 or '80; I could not be particular but it was between '80 and '90.
Q How far was he living from Mr. Walker that just left the stand when you first knew him up there? A When I first knew him he didn't live near Mr. Walker at all.
Q Well, did he afterwards move near him? A Yes, sir.
Q Mr. Walker has been a witness here? A Yes, sir.
Q I believe you had no personal acquaintance with his family?
A No, sir.

MR. MELLETTE: Well, when did Joe Duncan come and move on that place close to Mr. Walker's? A I could not tell you when he went.
Q Well, about what year? A I could not give you the year.
Q Did he go to living on that place while you were there?
A I could not tell you that.
Q You don't know where he lived? A When?
Q When you lived there? A Yes,
Q You said you lived in there about seven years until 1875?
A Yes, sir.
Q About how close did you live to him? A About two or three miles.
Q Did he live on the place close to Walker's at that time?
A No, sir, did not.
Q Didn't live anywheres close to Walker at that time?
A He lived somewhere in the neighborhood, about six or seven miles.
Q Lived six or seven, eight miles of these Walkers that testified here? A You don't understand me, he lived in the same district I did; I moved in the district that Joe Duncan lived in, I moved away from there in '75; I don't know when Joe Duncan moved away from where I first got acquainted with him.
Q I understand you; he didn't live in the neighborhood of the Walkers when you moved in that district? A No, sir; he may have moved before I moved away and may not.
Q Well, during the time he lived in there he didn't live near the Walkers, that is he didn't live adjoining farm to them?
A No, sir, not up until '75, my recollection is he didn't live near the Walkers.
Q He must have lived six or seven miles from them? A Yes, sir.

ROBERT FLEMING, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:
MR. HASTINGS: What is your name? A Robert Fleming.
Q Where do you live, Mr. Fleming? A I live at Mound City, Kansas.
Q How long have you lived there? A 42 years.
Q How old are you? A 50 years old.
Q What is your business? A I am what you call livestock dealer.
Q Mr. Fleming, did you know a colored man up in that country by the name of Joe Duncan? A I do.
Q Did you know his family? A I don't know much about his family; I know them when I met them in the road; I didn't know their names.

Q You don't know their names? A Not all of them.
Q Did you know his wife's name? A Yes, sir.
Q What washer name? A Her name was Lizzie; she was widow woman, Spence I believe she lived at our house when they married.
Q Now, when did you first learn to know Joe Duncan?
A Oh, I have known him a good many years, I first remember him sometime after the war, I guess it was, he lived near us on what is called Montgomery farm.
Q About how long have you known him? A I guess 30 years.
Q I mean about how long after the war when you first learned to know him? A It was right immediately after the war, I think; I would not fix the date.

MR.MELLETTE: How? A It was immediately after the war.
MR.HASTINGS: Was he married when you first know him?
A I could not say that.
Q Do you remember his first wife's name? A No, sir.
Q Well, a few years after you knew him what was he doing?
A He lived on Col. Montgomery's farm.
Q Where did he go from that Montgomery farm? A He moved from there over to Elk creek, about five miles; well, he was in town a while.
Q Mound City? A Yes, sir, but I could not tell when I remember seeing him in town.
Q Well now, about what time did you know him; when did he leave there? A He left there in about '90 re '91; '90 I think.
Q Now, how do you fix that date? A Well, I remember Joe Duncan built a flue for me; built a wall for the house, I built the wall and he built the flue for the house in '90.
Q Do you know where his family was at that time? A I think they had moved away, I could not tell just when, but I think they moved away a while before he built this blue because I think he talked to me about it.
Q Do you know where his family went to? A I think they came down in this country somewhere.
Q Well, now, during all these years you knew him did you see him frequently? A Well, from about '75 I saw him very frequently, somewhere about '75.
Q Did you live in town? A Yes, sir; the way I remember it I was dealing in stock and I had some dealings with him all along same as other farmers, buying and shipping.
Q Do you know whether he owned a farm or not? A Yes, sir, I think he owned a farm; he lived on there on Elk Creek, he claimed to own it.

MR. MELLETTE: When did he go to living on that farm he claimed to own? A I could not tell exactly.
Q Well, about what time? A I should think it was, well it would be just guess work.
Q I know that, but then give us a guess? A Well, I know his family lived there in '75.
Q You say it has been about 30 years since you knew Joe Duncan?
A Yes, sir.
Q That would be about '70 you got acquainted with him?
A Yes, sir, somewhere along there.
Q You don't know where he was in 1866 and '67, years of that kind?
A Well, I would not swear positively but he was around there I saw him, seen him a great deal he lived in our neighborhood, the same creek we lived on.
Q When was he there you say he was there in 1866? A I would not swear he was.
Q How old are you? A I am 50, I know he was there, he might have been here somewhere, but he was there in 1866, he was there all along every year, but he might have been here on business, I could not tell as to that.

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ACTING CHAIRMAN

O. P. WATSON, being duly sworn by Commissioner Needles, testified as follows, on behalf of the Cherokee Nation:

MR. HASTINGS: What is your name? A O. P. Watson.
Q What is your age? A 69.
Q How long have you lived in and about Mound City, Kansas; you live there don't you? A Yes, sir.
Q How long have you lived in and about Mound City, Kansas? A [illegible] Yes, sir.
Q Did you know his wife? A I know his last wife, I didn't much about his first wife.
Q Do you know where his first wife died? A Mound City.
Q Do you know where he was married to his second wife?
A Mound City.
Q What was her name? A I think her name was Lizzie, or Elizabeth.
Q Do you know whether she had ever been married before or not?
A No, sir, I don't.
Q Well, about when did you first learn to know Joe Duncan?
A Soon after the close of the war.
Q About how long did you know him, and about when did he leave there? A He left there in '89.
Q Well; you saw him after the war up until 1889, did you see him frequently; do you know of his family? A Yes, sir.
Q Were they living near there? A Yes, sir.
Q What is your occupation? A I am not doing anything now, I used to be in the mercantile business.

MR. MELLETT: Well, how soon after the war did you get acquainted with Joe Duncan? A I could not say, soon after the war; he was what we call an old timer there.
Q You can't give the year? A Yes, sir.
Q You don't claim to have known him in 1866 or 1867?
A I presume I did, but I am not positive.

Com'r Needles: This testimony will be made part of the record in Freedman Doubtful cases #892 and 893.

——:::——

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 10th, 1901.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 27th day of November, 1901.

M D Green
Notary Public.

F D. 893

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this ..... day of .....A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 22 day of ~~1901~~

William Cook
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .....day of .....A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

Filed
SEP 21 1901

NOTICE!

IN THE MATTER OF the application of Dora Williams for enrollment as Cherokee citizens:

Case No. D 393

To Dora Williams or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 19th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8-20-1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Supl. Order.-C.F.-D.#693.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 25th, 1901.

SUPPLEMENTAL ORDER in the matter of the enrollment of Emma WILLIAMS, ET AL., as Cherokee Freedmen, C.F.-D.#693, by request of Mr. Davenport, of Counsel for Cherokee Nation:

Com'r Needles: The testimony taken in the matter of the enrollment of Elizabeth Duncan, C.F.-D.#671, will be made a part of the record in the matter of the application of Emma Williams, et al., C.F.-D.#693.

---oooOOOooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this October 25th, 1901.

Commissioner.

Treed D 280

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 22205 filed in the Mariah Hayden case 2 D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Rosa Williams, 2 D 503;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the rights of any person who makes application for enrollment. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named, with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Southern District, Indian Territory.

By Mr. Smith:

The applicant further moves that in the cases named [illegible] Hayden case [illegible] days to file [illegible] of the applicant [illegible] the [illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

Cherokee Freedman D-871.

Department of the Interior ,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Elizabeth Duncan, et al., as Cherokee Freedmen.

It appears that on October 14, 1904, the applicant, her attorney, and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 18th day of November, 1904, and introduce testimony touching the points mentioned in said letter, at which time said case would be taken up for final consideration.

On said above mentioned date this case was continued by consent and on November 21, 1904, the following proceedings were had.

APPEARANCES:
Applicant appears by attorneys, Blue & Bulger:
Cherokee Nation by W. W. Hastings.

ALEX NEVINS being duly sworn, testifies as follows:

BY J. J. BULGER;

Q What is your name? A Alex Nevins
Q Where do you live? A Fort Gibson.
Q Did you know a man by the name of Joe Duncan at the commencement of the Rebellion? A Yes, sir.
Q Where did you know him? A He used to live up on the Verdigris, just below Gibson Station.
Q Was he the slave of a Cherokee citizen at the commencement of the war? A Yes, sir. His master was a white man but his wife was a Cherokee.
Q When was the last time that you saw Joe Duncan? A Well, it was directly after peace was made; along in '66. The reason I say '66; our wagon boss come through Gibson one day and I asked him where he was going, and he said, " I am going down below here to buy me up some cattle, and he says to me one day, "Do you know what year this is?" and I tell him "Well, Mr. Marhsll, not exactly, " and I ask him what year were that, and he tell me I ought to know, and I say "All right enough, but I don't.", and so I keep on after him, and he say, it is the year of '66, and well, after he tell me that he went off, and sometime after Christmas, this here young man, Joe Duncan, I saw him.
Q That was after Christmas in '66? A Yes,sir, along after Christmas, '66 .
Q Where was it you saw Duncan after Christmas? A He was at Fort Gibson. I met this young man and I asked him , "Joe, where are you from?" and he told me from Kansas, and I say,

and I says, where are you going now, and he says, "I have just come down for a while, " and I says, "Aint you a going to move back"? and he said yes he was agoing to move back here, not down here to Gibson, was going to live up in Cooweescoowee

BY W. W. HASTINGS:

Q How long after Christmas was this? A I don't know exactly how long.
Q About spring of the year? A Along about spring, when I saw him I reckon.
Q Some three or fo r months after Christmas? A Well, I don't know whether three or four months, but after Christmas.
Q What year is this? A This is 1904.
Q What year was the Kern-Clifton roll made? A Well, I couldn't tell you till I had my papers here; My recollection is tolerable short.
Q You won't be certain about these years, will you?
A No sir, not certain, to tell you the truth.
Q Been too long ago, has it? A Yes, been too long ago.
Q And take a man back 38 years he can't be certain?
A Some men can.
Q But you can't? A Well, now, I can't.
Q And you don't propose to swear here now about any certain year?
A No, I can't.
Q When this fellow came back he didn't have his wife with him did he ? A No sir, didn't have no wife.
Q Didn't have any children? A No sir, didn't have any children when I saw him.
Q You could not tell how long after the war? A No,sir, only just by what the wagon boss told me.
Q And this was some time after that you saw Joe Duncan?
A After that.
Q After you saw this wagon boss and he told you the year ?
A Yes,sir.
Q And you say it was along about Spring? A Well, I wouldn't say it was Spring, but it was after Christmas.
Q How long did you see Joe Duncan there? A Just saw him that one day.
Q You never saw him before and you never saw him since?
A No, sir.
Q And he lit out straight for Kansas? A I couldn't tell you where he went to; I went my way and I don't know where he went to.
Q Where did you live before the war? A At John Evans's, at the mouth of Grand River.
Q How old was Joe Duncan when the war came up? A I couldn't tell you.
Q Four or five years old? A To tell you the truth I don't know
Q You can not swear to that? A No, I wouldn't undertake it.
Q He might have been four or five years old? younger, or older?
A Yes,sir.
Q That's your best judgment is it?
A Yes sir, my best judgment.
Q You don't know who his mistress was? A No sir, they tell me she was a Cherokee.

Q You never were at his place before the war? A Oh yes, I have been there before the war.
Q But you never saw him there before the war? A Oh yes,sir, that's where I seen him before the war.
Q If you knew him before the war why can't you say whether he was older or younger than four years old, or five, before the war? A Why, I couldn't tell nothing about his age; I couldn't tell my own age then.
Q But you could tell whether he was much older or much younger than that? A I could have if I had paid any attention to it, but them times we was slaves and didn't pay no attnetion. I didn't know my own age then, them times.
Q Then you say you don't know whether he was older than four or five years? A No, sir
Q Was he by himself when he came from Kansas? A Yes,sir.
Q He was walking? A Yes,sir, but he had a team there somewheres.
Q Did you see the team? A No sir, that was what he said.
Q He was only eight or ten years of age at that time? A I don't know, sir.
Q Well, don't you know about what his age was? A No, sir, I am going to tell you the truth, I didn't know his age; I did not know my own at that time, or until just a few years ago.
Q Don't you know about this fellow enough to know whether he was more than eight or ten years of age when he told you he had come all the way from Kansas? A Why, I don't know, he may have been more that eight or ten years of age, but to say his age I don't know that.
Q You don't know whether he was older or younger?
A No sir, I don't know that; I don't know his age, I couldn't tell you that for certain.
Q You testified in a case for Jack Brady or Jack Thompson, once didn't you? A Yes,sir.
Q You are that same man? A Yes,sir.
Q You testified in that case that you were living out there on the bayou, near Jack's father, didn't you?
A Yes,sir, I was living out near there, I remember that time.
Q And you said that this Jack Brady or Jack Thompson, came all the way from Texas on horseback to visit his father in 1866, didn't you? A No, sir, I didnot tell you that.
Q You deny then, saying you saw him in 1866? A Yes,sir, I deny that
Q You are, however, the same man who on May 31, 1902, in this same room, testified in that case?
A Yes,sir, I was here and testified.
Q You deny that you testified in that case that you saw Jack Brady in the year 1866? A Well, if I had been able to put every testimony down that I testified I would be able to answer that, but I couldn't put anything down and I don't think you ought to ask me that.
Q Did you see Jack Brady in 1866? A I am not able to say at this time. I can't tell you right new. I can not testify the same as I could then.
Q Then you don't know the year 1866? A Not unless I put it down on a book or somewhere.
Q You didn't put it down in the Joe Duncan case, did you?
A No sir, but I remember that by our wagon boss .

Q Well, why don't you remember this Brady by the wagon boss ?
A But he didn't tell me anything about that Brady.
Q Well, he didn't tell you anything ab ut Duncan either did he?
A No, sir, but he told me the year, that is what I said, he told me the year.
Q I will ask you if you did not, on May 31, 1902, in this room, under oath, in the Jack Brady case, C.F.D. 136, make this answer: "Well he came to his father's out on Four Mile Branch in 1866, at his father's on Four Mile Branch" Did you make that answer? A Well, I may have told him that, but I'll never tell you, it has been so long since I ever spoke of that I just can't remember, to tell you the truth. I am here to tell the truth.
Q I will ask you if, in the same case, you did not say that this man Jack Brady came horseback from Texas? A Yes, he came there horseback when I seen him there that time.
Q Don't you know that Jack Brady was not born until 1864 according to his own testimony, and that he was, therefore, two years old or less in 1866? A No sir , I don't know that.
Q Well, you don't know much about 1866 do you? A I know it.
Q And you are now unwilling to swear about what happened that you can't remember, aren't you? A I am willing to swear about what I know, and what I don't know I don't swear.

BY MR. HASTINGS: For the purpose of impeaching this witness the Cherokee Nation asks that the testimony of Alex Nevins in Cherokee Freedman D-136, as well as the testimony of John F. Wilson and D. H. Flourney in the same case on the part of the Cherokee Nation, be introduced and made a part of the record in this case. And the Cherokee Nation also asks that the ge of Jack Brady which is given as thirty-eight in 1901, be called attention to, so as to show the age of the said Jack Brady in 1866.

BY MR. BULGER:
Q At the time you saw Joe Duncan at Fort Gibson in 1866, what were you doing? A I was not doing anything particular. I was working around town there. I think I was living down in the bottom then.
Q Was Joe Duncan employed at anything at that time? A No sir I don't think he was.
Q You just happened to meet him? A Yes sir, just happened to meet him
Q You had been acquainted with him before the war? A Oh yes
Q Was Joe Duncan at that time apparently a man, of age?
A Before the war ?
Q No, when you saw him in 1866? A Well, he may have been, he looked like he was a man. I couldn't tell you sir.
Q You know whether or not a fellow is a man? A Well, I guess he was a man, he had a mustache
Q Did Joe Duncan leave Fort Gibson soon after you saw him.
A He told me he was going away, I don't know whether he went or not.
Q Did you and Joe Duncan work together after, or during the war?
A No sir.
Q Were you in the army during the war?
A Yes sir, I was a teamster.
Q Were you teaming when you saw Joe Duncan in 1866? A No sir.

BY W.J. HASTINGS:

[illegible]

Q [illegible] time after that? A I [illegible] old a [illegible].

Q [illegible] A [illegible] answered Mr. Wilson [illegible] I know [illegible] time [illegible] I know [illegible] before the [illegible].

Q How old was [illegible] before [illegible]?

BY COMMISSIONER:

Q You have some idea, some how, tell me? A I could not tell you sir.

[illegible]

BY MR. HASTINGS:

Q Was he a boy in his mother's arms, or five or six years old or how old was he? A Well, when I saw him at his mother's [illegible] was a [illegible] sized [illegible] who played to mother; he could have been five or six years old; or might have been [illegible] years old, I did't know his age, I did't know my own age. Well, you can tell about his age, whether he was five or six years old or not? A Well, he might have been five or six years old.

Q And the last time you saw him he was a grown man with a mustache? A Yes, sir.

Q And that was the [illegible] after the war, [illegible] and that was the [illegible] sir, I never saw him [illegible] was a grown man [illegible] during the war.

Q Didn't you tell [illegible] are him during the war?

A No sir, I said [illegible] sir.

Q Did you see him [illegible]?

A [illegible]

Q [illegible]

Q [illegible]

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FS-893

BY W.W. HASTINGS:

Q Did you ever see him after that? A I never did see him.
Q Why you have just answered Mr. Bulger that you knew him before the war, did you know him before the war? A I knew him before the war.
Q How old was he before the war? A I don't know sir.
BY COMMISSIONER:
Q You have some idea, come now, tell us? A I couldn't tell you sir.

BY MR. HASTINGS:
Q Was he a baby in his mother's arms, or five or six years old or how old was he? A Well, when I saw him at his master's he was a good sized boy and me and him played together, he could have been five or six years old, or might have been ten years old, I didn't know his age, I didn't know my own age.
Q Well, you can tell about his age, whether he was five or six years old or not? A Well, he might have been five or six years old.
Q And the next time you saw him he was a grown man with a mustache? A Yes,sir.
Q And that was the first time you saw him after the war, when he was a grown man with a mustache? A No sir, I seen him all during the war.
Q Didn't you tell Mr. Bulger you didn't see him during the war?
A No sir, I said we didn't work to other.
Q Did you see him during the war? A Yes,sir.
Q Where at? A At Fort Scott.
Q Was he living there? A He was working there for the Government.
Q Working there for the Government? A He was shoeing mules for the government.
Q You never saw him in the Cherokee Nation after you claim to have met him there in the street? A No sir, I never seen him after that. This is three times I have told you that now.

-o-o-o-o-o-o-o-o-o-o-o-o-

Lucy M. Bowman being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings in this case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 6 day of December, 1906.

Charles R. Lamer
Notary Public.

MOS

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen

D-893.

Muskogee, Indian Territory, July 19, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Emma Williams for the enrollment of herself and child as Cherokee freedmen, you are advised ~~that before the Commission can render a final decision in this case~~ it will be necessary that further testimony be introduced as to the applicant's residence in the Cherokee Nation.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, August 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Cher Fr D 894

Cher Fr D 894

File with Laura Johnson, C.F., D-694.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Sarah McNair for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Sarah McNair.
Q How old are you? A I am 16.
Q 16? A I am 20 I mean, 24.
Q Is that your name now, Sarah McNair? A Yes, sir.
Q 24? A Yes sir.
Q What is your postoffice? A Lenapah.
Q What district do you live in? A Coweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself and my sisters.
Q How old is your sister? A I can't tell exactly.
Q Is she here? A Yes, sir, they are all four here.
Q They are here to enroll themselves? A Yes sir.
Q Are you married? A No sir.
Q Ever been married? A No sir.
Q Got any children? A No sir.
Q What is your father's name? A George McNair.
Q Are you on the roll of 1880? A Yes sir.
1880 authenticated roll of citizens of the Cherokee Nathion examined and applicant not found thereon.
Q What is your mother's name? A Martha Nave before she was married
Q You claim your citizenship through your father or mother, or both?
A Both.
Q Have you got any witnesses? A Yes sir.
Q Have your father and mother been enrolled here yet?, A They are dead.
Q Your father and mother are both dead? A Yes sir.
By Mr. Hastings, Cherokee Rep've:
Q When did they die? A I can't tell exactly.
Q Before the Kern-Clifton enrollment? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes sir, on the Wallace roll.
Q Where were you born? A In Coweescoowee.
Q Cherokee Nation? A Yes sir.
Q Lived there all your life? A Yes sir.
Q Who are your witnesses? A Dinah Vann and Ed Vann.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 124 #57% Sarah McNair, Coweescoowee District;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

DINAH VANN, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Dinah Vann.
Q How old are you? A 80.
Q What is your postoffice? A Lenapah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Your name on the roll of 1880? A Yes sir.
Q Do you know Sarah McNair, the applicant? A I raised these children; I raised 5 of them.
Q Well I am talking about this one? A Yes sir.
Q What was her father's name? A George McNair.

Q What was her mother's name? A Martha Nave.
Q Were they slaves? A Yes sir.
Q Who did they belong to? A Miss Nave, Alex Nave's wife.
Q Was she a Cherokee? A Yes sir.
Q When did George McNair die? A Well I couldn't tell you.
Q Did he die before the war? A Oh no sir, he died on Pryor's Creek.
Q About how long ago? A I don't know how long.
Q When did Martha die? A She died sincehe died.
Q And they both died since the war? A Yes sir.
Q Well about how many years ago? A I don't know exactly how many years.
Q You say they were the slaves of Nave? A Yes sir.
Q Were they taken out of the Cherokee Nation during the war? A No sir, they didn't take them out.
Q Never took them out of the Cherokee Nation? A No sir, they aint never been out until time of the war.
Q Then they went out did they time of the war? A Yes sir.
Q Where to? A She is my daughter; went to Kansas.
Q Where did George go? A Went south.
Q When did George and Martha come back? A Martha came back whenI did.
Q When was that? A '66.
Q She lived here until she died? A Yes sir.
Q When did George come back? A I don't know exactly, the men folks will know.
Q You don't know? A I don't know exactly when George died.
Q Did they live together as man and wife after they came back until they died? A Yes sir.
Q This child was born then? A Yes sir.
Q What's the names of the other four children? A Laura is the oldest one.
Q Is Laura married? A She was married, but she aint married now.
Q What's her husband's name? A Frank Johnson.
Q What is the next one after Laura? A Isabelle.
Q Is she married? A She was married, but she aint married now.
Q Who was she married to? A Eddie Vann.
Q What is the next one? A Flora.
Q Is she married? A Yes, sir.
Q Who did she marry? A Will Love.
Q She living with Will Love now? A Yes sir.
Q What's the next one? A Annie.
Q Is Annie married? A No sir.
Q Annie is single? A Yes sir.
Q Are you the grandmother of these children? A Yes sir, I raised all 5 of them since their mother died.
Q They are all the children of Martha Nave by George McNair are they? A Yes sir.
Q And Martha came back here in '66? A I brought her back with me in '66.
Q Is your name on the roll of 1880? A I guess it is.

By Mr. Hastings:

Q How old was this girl's mother when the war came up? A She had 2 children.
Q What was their names? A When the war got up?
Q Yes, when it came up? A 2 children.
Q You think she has 2 children? A Yes sir, she had 2 children.
Q What was their names? A Laura and Bell.
Q That was before the war? A No, it must have been since.
Q Well these children were they born before the war or since the war? A Since the war.
Q Where were theyborn? A On Pryor's Creek.
Q Where was this girl born? A Yonder in:-

Q In Kansas? A No sir, she never had nary a child in Kansas, all of these children were born on Pryor's Creek and the Verdigris.
Q Well was this one born on the Verdigris? A Yes sir.

Applicant, Sarah McNair, recalled, and further examined;
By Mr. Hastings:
Q Did you apply before the Kern-Clifton Commission for enrollment?
A Yes sir.
Q Under what name? A McNair.
Q What is your first name? A Sarah McNair.
Q Where did you apply? A Lightning Creek.
Q Were you enrolled? A Yes sir.
Q Did you draw money? A Yes sir.
Q On Kern-Clifton roll? A No sir, on the Wallace roll.
Q Well I mean when Kern and Clifton was around here, did you make application then? A No sir.
Q You didn't? A No sir.
Q Why didn't you? A My grandmother didn't get the money.
Q Well did you apply for enrollment before the Kern-Clifton Commission? A Yes sir.
Q Under what name? A McNair.
Q What was five years ago? A Yes sir.
Q Where did you apply? A Lightning Creek.
Q At Hayden? A Yes sir.
Q And you applied under the name of McNair? A Yes sir.
Q Did you go in yourself and testify? A No sir, my grandma testified.
Q This woman? (pointing to witness) A Yes sir.

Witness, DINAH VANN, re-called and further examined:
By Mr. Hastings;
Q Where did you live before the war? A Lived right in Flint.
Q Where did this girl's mother live? A Right there in Flint with me, the same owners.
A You had the same owners? A Yes sir.
Q I am trying to get from you how old her mother was when the war came up? A Well I don't know exactly.
Q Was she grown? A Yes sir, young woman, grown when the war came up
Q Had no children? A She has that oldest girl.
Q What was her name? A Laura.
Q Then Laura was a slave herself? A Yes sir.
Q Where did you go during the war? A Kansas.
Q Did the mother of this applicant go with you? A Yes sir, she went with me.
Q What place in Kansas? A 6 miles from Iola.
Q Now Aunty, who came along in the same crowd that you came along in? A I couldn't tell you who all there was, but all of my kin-folks came along, Joe Wolf.
Q Who else came along? A Mose Wave, he is dead.
Q Mose Wave came along? A Yes sir.
Q Who else came along? A George Landrum came along.
Q Who else? A Wll I couldn't tell you who all now.
Q Where did you come to? A Pryor's Creek.
Q To what place on Pryor's Creek? A Up the creek there right there where the section house is now.
Q And you located right there did you? A Yes sir.
Q Well now this girl's father and mother were not married at that time were they? A No sir, they married there on Pryor's Creek.
Q What time of the year was it you got there? A Ga.
Q Well what time? A Ga I couldn'tw tell you.
Q You know whether it was in the spring or summer? A In the spring

Q In the spring of '66? A Yes sir.
Q You made a crop there that spring? A Yes sir.
Q On whose place? A Our own, we plowed land and made a crop.
Q Was it a new place or an old place? A Newplace.
Q You made a new place there that year? A Yes sir.
Q What Cherokees lived around you? A I didn't know any but John Grass.
Q Did he live there? A He lived there in the house.
Q About how far from you? A About 6 miles.
Q How long after you came back now until you saw this girl's father
A Well it wasn't long.
Q Where did this girl's mother die? A Die to my house on Pryor's Creek.
Q Did she continue to live with you all the time while she was living with her husband? A She lived there in a half a mile, but she died at my house. He was dead then.
Q Where did he die? A He died there at his house, half a mile, and then she took sick and come to my house and she died right in my house.
Q Did she ever live off of Pryor Creek after the war? A No sir.
Q She always lived right there? A Always right there.
Q And this girl was born there was she? A This girl was born there
Q She wasn't born when you came back here after the war? A No sir
Q Did you apply for this girl to the Kern-Clifton Court 5 years ago when Kern and Clifton and Turner and all of them were around, like they are now, an did you try to enroll this girl, to draw her money?
A I don't know, sir, I didn't get no money.
Q Did you go in though before the Court and testify about her or not? A I testified for the children.
Q Did you for this one? A I must have tested, I had them all, I had all the children and raised the whole family.
Q What did you say her father's name was? A George McNair, and he died.

By Com'r Needles:

Q Your name is on the 1880 roll? A Yes sir.
Q Was your daughter Martha's name on the roll of 1880? A She drawed at Vinita.
Q Her name now is Martha Nave, her name when she died was Martha Nave? A Yes sir.
Q Did she have a husband named Nave? A No, sir, she just went by owner.
Q She never went by the name of Martha Vann? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's mother, and not found.

By Mr. Hastings:

Q Was you and Ed Vann living together when you came back here after the war? A No, we married since, I come back with a man named Armstead Bell, that was my man then.

Remainder of this case taken by Stenographer -_____

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green

Subscribed and sworn to before me this July 9, 1901.

Signed, T. B. Needles,
Commissioner.

Sarah McNair Application continued: Former portion taken by Stenographer M. D. Green.

EDMOND VANN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Edmond Vann.
Q Your postoffice? A Lenapah.
Q How oldare you? A 58.
Q Are you the husband of Dinah Vann? A Yes, sir.
Q Do you know the applicant here, Sarah McNair? A Yes sir.
Q What was her father's name? A Johnse McNair.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A Belonged to Susanna McNair.
Q Did you know her mother? A Yes sir.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A Aleck Nave.
Q Well, do you know whether her mother and father went out of the Cherokee Nation? A Judge we went south.
Q When were not married until after the war? A No, sir.
Q Where did Martha go? A She went North.
Q Do you know when she returned? A No, I don't.
Q When did you first see her? A Over On Pryor's Creek.
Q When? A '70.
Q Is she the mother of Sarah McNair? A Yes, sir.
Q Where was Sarah born? A Sarah was born up here.
Q In the Cherokee Nation? A Yes sir.
Q Always lived in the Cherokee Nation? A Yes, sir.
Q Do you know when George McNair come back? A No, sir.
Q When did you first see George after the war? A Well him and Martha McNair was married when I saw him and had one child.
Q In '70? A Yes, sir.
Q So you never saw them until 1870? and don't know when either of them returned? A No sir.

Com'r Needles: Sarah McNair applies for the enrollment of herself. She avers that she is a child of George McNair, that her mother was Martha Nave. She avers that George and Martha were married after the Civil War and that she was born and raised in the Cherokee Nation and lived here all her life. She avers that she is unmarried. As to proof of her citizenship and as to the time when her father and mother returned to the Cherokee reference is made to the testimony. She cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace rolland she is duly identified as indicated upon that roll according to the page and number as indicated in the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. She avers that she was raised by Dinah Vann, who was her grandmother, Dinah Vann having been the mother of her mother. The said Dinah Vann is duly identified upon the authenticated roll of 1880. She will be notified of the action of the Commission in the premises by mail.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson,

Subscribed and sworn to before me this July 18, 1901.

Signed, T. B. Needles,
Commissioner.

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F D 8914

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 31 1901

ACTING CHAIRMAN

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 29th of July, 1901.

M. D. E.
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 27, 1901.

In the matter of the application of Laura Johnson for the enrollment of herself and two children as Cherokee Freedmen,

Laura Johnson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Laura McNair.
Q How old are you? A 26.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A No, sir, descendant.
Q Who do you want to enroll besides yourself? A Two children.
Q What are the names of your two children? A George Johnson, he is on the roll with Ellis Webber.
Q How old is he? A 8 years old.
Q The name of your next child? A Nancy Johnson.
Q How old is Nancy? A 4 years old.
Q The next one? A That is all, just two.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Frank Johnson.
Q How does your name happen to be McNair; it is Johnson, isn't it?
A That is the way it is put on the roll.
Q I didn't ask you that. What is your father'sname? A George McNair.
Q Your mother's name? A Martha McNair, she was a Hays before she married.
Q Is your name on the roll of 1880? A No, sir, it is on the Wallace roll.
Q Who do you claim your citizenship through? A My mother.
Q Is your mother enrolled here? A She is dead, my grandmother has been here and enrolled, my grandfather.
Q You got any brothers or sisters? A Yes, sir.
Q Well, what is your brother's name? A I have no brothers, sisters.
Q What is your sister's name? A Dinah McNair and Sarah McNair and Flora and Isabel.
Q Have they been enrolled? A Two or them have been enrolled.
Q Where is your husband? A He is gone, out of in the country.
Q Is he a citizen? A Yes, sir.
Q He is putting it then on you? A He and him is parted.
Q Your mother and father both dead? A Yes, sir.
Q Have you got any witnesses here in your case? A Yes, sir, Dinah Vann and Edward Vann and Dave French.
Q Who of your sisters has been here and enrolled? A Flora and Sarah.
Q What is their names? A McNair, but she is married, Flora.
Q Where were you born? A Pryor Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Lived in the Cherokee Nation all your life? A Yes, sir.
Q Live in the Cherokee Nation now? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant not identified thereon.

The Wallace roll examined and the applicant identified thereon, Page 124, No. [illegible], Cooweescoowee district, as

Laura E. McNair.

Q Your husband is named Frank Johnson? A Yes, sir.
Q Is he your first husband? A Yes, sir, my first husband.
Q Never married before? A No, sir.
Q Was he ever married before? A No, sir.
Q You and him not living together now? A No, sir.
Mr. J. S. Davenport, Cherokee attorney: Where did you live when you married Johnson? A Living with my grandmother and grandfather.
Q What place? A On the Verdigris.
Q Cherokee Nation? A Yes, sir.
Q Did you live there until you and he separated? A Yes, sir, I am living there now.

Commissioner: Laura Johnson applies for the enrollment of herself and two children, George, age 6 years old, and Nancy, four years of age. She avers that she is the child of George and Martha McNair, and she is now married to one Frank Johnson. She avers that she is the sister of Sarah McNair, who is listed for enrollment on D card 868. She makes satisfactory proof as to her residence, and the testimony taken in the matter of the application of her sister, Sarah McNair, on D card 868, will be made part of the record in the case at bar, and a copy thereof will be filed herewith. Said Laura Johnson, nee McNair, and her two children, George and Nancy, will be listed for enrollment as Cherokee Freedmen. It will be necessary for her to make proof as to the birth of said children, their names not appearing upon any of the rolls of the Cherokee Nation. She will be notified by mail of the decision of the Commission in the premises.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of July, 1901.

Commissioner.

File with C.F. D-894, Laura Johnson et al.

SUPPLEMENTAL:C.F.N-868

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita,I.T.,October 28,1901.

In the matter of the application of Sarah McNair for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
Mr.Smith, of Mellette & Smith, for applicant;
Mr.Davenport, of attorneys for the Cherokee Nation.

(By Stenographer: This testimony was originally taken down by stenographer J.O.Hesson, and afterwards dictated by him to stenographer J.B.Green, and is transcribed by the latter.)

S.H.HAYES, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name? A S.H.Hayes.
Q How old are you? A 56.
Q What is your post-office? A Pryor Creek.
Q Are you ex-Chief Clerk of the Cherokee Nation? A Yes sir.
Q You want to give some testimony in Cherokee Freedman doubtful case 868? A Yes sir.
Q The case of Sarah McNair? A Yes sir.
Q What do you want to say about that? A (No reply)
BY MR. DAVENPORT:
Q Did you leave the Cherokee Nation during the war, Mr.Hayes?
A Yes sir.
Q When did you return? A I came back first in 1865.
Q Where did you come to then? A Came to Pryor Creek.
Q Then how long did you stay there? A I left there then in November of the same year, '66.
Q When did you come back and locate permanently? A I come back in '67; I was in the Cherokee Nation again in '67.
Q To what point did you come then? A That I left here in November.
Q Yes sir.? A I went to Red River and moved back in the Fall of November.
Q To what point did you come in 1867? A I come to Pryor Creek.
Q Did you know a children person by the name of Sarah McNair, now? A No sir.
Q Do you know one by the name of Jane Whitmire? A I do not.
Q Did you ever know a colored woman by the name of Dinah Vann or Nave? A I knew one we always called Dinah Nave; she was the wife of a colored man by the name of Armstead.
Q Where did you see her before the war and when? A The first time I saw her after the war was in '66, at my home place.
Q Where was she? A She came to our place there on Pryor Creek.
Q Did you ever know any of her children? A No sir.
Q Who did you say her husband was? A Well I say I don't know; she had a boy, I think she had a boy, I know the woman well; I knew the woman as well as I know anyone, Armstead.
Q That was Armstead's name? A We always called Bix Armstead Nave.
Q He was a Blacksmith.
Q He was the husband of Dinah Nave? A Yes sir.
Q What year did you say that was? A I say it was in '66.
Q [illegible] As you saw him? A I saw him at my home place there on my [illegible]
Q [illegible] her before the war? A Yes sir.
Q [illegible] any conversation with her or learn from witnesses [illegible]
Q [illegible] Where you have been in 1867?

A I live right in that neighborhood.
Q Had you been around throughout the neighborhood there where you afterwards learned these parties were located? A I herded cattle there for Blue Alberty around in the neighborhood of Pryor Creek in 1867.
Q How far was that where you herded the cattle in 1867 from where they were living when you first heard these that were living? A About six miles.
Q Where was she living with reference to where Alberty lived? A About six miles.
Q Were they there in 1867? A I never saw her there in '67.
Q Do you know whether she is living now or dead? A I don't know whether she is living or not.
Q Do you know whether her husband Armstead? A Armstead is dead.

BY MR. SMITH:

Q Whose husband is Armstead? A That was her name Dinah, old aunt Dinah; I understand that is the same person.
Q About how old would she be now? A She would be an old lady.
Q About what age would you say? A I suppose she would be some where in '60s.
Q And you called her Dinah Nave? A Yes sir. Her husband was named Armstead and they both belonged to old Alex Nave.
Q Do you know whether the woman you are talking about is the same woman who has been by the name of Dinah Vann? A Couldn't only understand so.
Q You don't know of your own personal knowledge? A No sir.
Q Well you came up in the spring or summer of 1867? A Yes sir.
Q And you stayed here a short time and went back? A I stayed there until November. I left prior to November then.
Q And you came back here what time? A I came back in the spring of 1867.
Q And you do know how long did you stay that time? A I left again that fall and went back to Red River.
Q Your folks, the family, were not put here in the Cherokee Nation until then? A They came back in '67, fall of '67, in November.
Q Who was the owner of this woman you are talking about, Alex Nave? A Alex Nave, yes.
Q How far was that from where you lived when you came back? A We lived in Flint District about 3 or 4 miles or 5 miles near Bransville and Alex lived about a mile and a half from where I lived.
Q You came back to Pryor's Creek? A Yes sir.
Q That was about how far from where Alex Nave lived prior to the war? A About 60 miles.
Q You were about 60 miles from the old home of this slave? A Yes sir.
Q You don't know when she first came back to the Cherokee Nation? A No sir, the first time I saw her was in '68.
Q You don't know how long she had been back there when you saw her? A No sir.

COMMISSIONER: Copies of this testimony will be filed in Choctaw Freedmen Contest Cases 466, 468, 844, 882 and 707.

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M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case on the date herein, from the stenographic notes of J.O. Keeton, by said Keeton, and that the foregoing is a true and complete transcript of said stenographic notes thereof.

Subscribed and sworn to before me this [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE I. T. .

In the matter of the application for the enrollment of John Lasley as a Cherokee Freedman.

Cherokee F. D. 894.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case on August 29th 1904 and asks that the same with all of the records in said case including the brief heretofore filed on part of the Cherokee Nation be forwarded to the Honorable Secretary of the Interior for Review.

In asmuch as attention was called to the testimony in our special brief and in as much as our general brief exhaustively treats of the testimony introduced in this case we submit the same without additional argument convinced however, that the applicant is not entitled to be enrolled as a freedmen citizen of the Cherokee Nation.

Respectfully,

L B Bell
W W Hastings
J S Davenport

Attorneys for the Cherokee Nation.

A.F. Mc
D.C.L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Luvinia Foster et al., as Cherokee Freedmen, consolidating the applications of--

Luvinia Foster, et al.,	Cherokee Freedmen D 895,
Phillis Foster	Cherokee Freedmen ~~1018~~,
Susie Foster,	Cherokee Freedmen D 1136,
Malinda (Martha) Foster,	Cherokee Freedmen D 1137.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Luvinia Foster for herself and minor son, George Foster ; and by Phillis Foster for herself; and for enrollment as Cherokee citizens by Emmet Starr for Susie and Malinda (Martha) Foster.

The evidence in this case shows that one Randall Foster, deceased, who was a Cherokee by blood, and the said Luvinia Foster, both of whom are duly identified on the Cherokee authenticated tribal roll of 1880, are the parents of the applicants, George, Phillis, Susie and Malinda (Martha) Foster; and that the said George Foster was born since 1880, has continuously lived in the Cherokee Nation since birth, and is duly identified on the Cherokee census roll of 1896.

The evidence further shows that all the applicants herein possess rights to enrollment as Creek Freedmen; that on September 30, 1903, said Luvinia Foster appeared before the Commission at Muskogee, Indian Territory, and on behalf of her minor son, the said George Foster, elected that he be enrolled and receive his allotment of lands and distribution of moneys in the Cherokee Nation; and that on November 21, 1904, the said Phillis Foster appeared before the Commission at Muskogee, Indian Territory, and elected

to be enrolled and receive her allotment of lands and distribution of moneys in the Creek Nation.

The evidence further shows that the applicants, Luvinia Foster, Susie Foster, and Malinda (Martha) Foster, are included in a partial roll of Creek Freedmen approved by the Secretary of the Interior, March 28, 1902, and May 21, 1904, at Numbers 5434, 3423 and 4726, respectively, and that allotment of lands in said Nation have been made to, and accepted by, them.

It is, therefore, the opinion of this Commission that George Foster should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenti-one of the Act of Congress approved June 28, 1898 (30 Stat., 495); and that the applications for the enrollment of Luvinia Foster , Phillis Foster, Susie Foster and Malinda (Martha) Foster, should be denied, under the provisions of said section twenty-one of the Act above noted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) TAMS BIXBY
Chairman

" T. B. NEEDLES,
Commissioner

" C. R. BRECKINRIDGE
Commissioner

Dated at Muskogee, Indian Territory,

this MAY 13 1905.

Cherokee Freedmen D 594.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Laura Johnson and her minor children, George and Nancy Johnson, as Cherokee Freedmen.

-vs-

DECISION.

The record in this case shows that on June 12, 1902, Laura Johnson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and minor children, George and Nancy Johnson as Cherokee Freedmen, an affidavit showing the birth of George Johnson on August 27, 1894 and Nancy Johnson on January 28, 1897, and the testimony taken in re application of Sarah Nelvir, Cherokee Freedman D 595, is filed with and made a part of the record in this case.

The evidence herein shows that one Martha Nelvir, deceased, was the mother of the principal applicant, Laura Johnson, and that the said Laura Johnson is the mother of the minor applicants, George and Nancy Johnson; that the said Martha Nelvir was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken out of the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Mose Walkire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that the applicants herein were born since 1866, and have resided in the Cherokee Nation all their lives. The principal applicant, Laura Johnson, is identified on the Cherokee census roll of 1896.

It is therefore the opinion of this commission that the Choctaw, and Tenny Nations, should be enrolled as Choctaws, in accordance with the provisions of Section 21 of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles,
Commissioner.

(SIGNED) C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,
Date JUN 30 1905

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

D E D

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-895, et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of George Foster, and rejecting the applications for the enrollment of Luvinia, Phillis, and Malinda Foster and Susie McIntosh, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-23

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-894.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Laura Johnson, et al., as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Incl. S-21

Cher Fr D 895

Cher Fr D 895

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 27, 1901.

In the matter of the application of Luvinia Foster for the enrollment of herself as a Cherokee Freedman by intermarriage and for the enrollment of one child as a Cherokee Freedman.

Luvinia Foster, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A My name is Luvinia Foster.
Q How old are you? A I don't know, I have no idea.
Q Are you 100? A No, sir.
Q Then you have some idea? A I don't know, I am not 100.
Q About 50? A I may be older than that.
Q Are you 60? A I may be, I can't tell ye .
Q Think you are 70? A No, sir, I don't think I am that old.
Q What is your postoffice? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Adopted.
Q You are not a Cherokee Freedman yourself? A No, sir.
Q You apply to be enrolled as a Freedman by intermarriage? A Yes sir.
Q You want to enroll anybody but yourself? A One child.
Q What is your ~~child's~~ child's name? A George Foster.
Q How old is George? A He is 16.
Q Are you married? A No, sir, not since my husband died.
Q You were married before he died? A Yes, sir.
Q What is your husband's name? A Randall Foster.
Q He a citizen? A Yes, sir.
Q Is ~~this~~ his name on the roll of 1880? A Yes, sir.
Q ~~Hawkins~~ Is Randall Foster dead? A Yes, sir.
Q You married since he died? A No, sir.
Q Were you ever married before you married him? A Yes, sir.
Q What was your first husband's name? A John Stidman.
Q Did you get a divorce from John Stidman or did he die? A I did when he died.
Q Did he die before you married Randall Foster? A Yes, sir.
Q You were a widow at that time? A Yes, sir.
Q Was Randall ever married before he married you? A Yes, sir.
Q Was his wife dead when he married you? A I don't know, he didn't know whether his wife was dead.
Q He didn't know when he married you whether his first wife was dead or alive? A Yes, sir.
Q Is George Foster Randall Foster's son? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the name of Randall Foster found thereon, page 103, No. 1066, Coowescoowee district.

Q How long has Randall been dead? A 8 years.
Q How long have you lived in the Cherokee Nation? A Been here ever since time of the war, never been out.
Q Where were you and Randall married? A Fort Gibson.
Q You were known as a state woman, were you? A No, sir, a Creek.
Q Did you ever apply to be enrolled as a Creek? A Yes, sir.
Q You were listed for enrollment as a Creek? A I went down and they told me if I was listed with my husband here I had no right coming back there.
Q Was your mother a Creek? A Yes, sir.
Q A Creek slave? A Yes, sir.
Q Was her name on the Dunn roll? A I suppose it was.
Q Where was George born? A Right where I am living now on Cedar Creek.
Q Did you ever have George enrolled there in the Creek Nation?

A No, sir, I had none of my children enrolled down there.
The 1896 census roll of Cherokee Freedmen examined and the applicant, George Foster, identified thereon, page 405, No. 209, Coweescoowee district.
Q Now give me the names of all your children that you have ever had? A It will take me quite a while.
A Well, we would like to have them. A Tom.
Q Is he living? A Yes, sir.
Q Tom Foster? A Yes, sir.
Q How old is he? A 34.
Q Is his name on the rolls of the Cherokee Nation? A I guess so, he was down here and enrolled.
Q Well, the next child? A Susan.
Q How old is Susan? A 30.
Q Is she enrolled? A Not here.
Q Where? A I guess she enrolled in the Creek Nation.
Q What is the name of the next one? A Martha.
Q How old is Martha? A 27.
Q The name of the next one? A Sarah.
Q How old is Sarah? A 24.
Q Is Martha enrolled in the Cherokee Nation or Creek Nation?
A I can't tell you whether she is enrolled or not.
Q How about Sarah? A She is enrolled here.
Q The next one? A Phyllis.
Q How old is Phyllis? A 21.
Q Well, the next one? A I said there was only six that I have living.
Q George makes the sixth? A Yes, sir.
Mr. W.W.Hastings, Cherokee attorney: You had one named Malinda, younger than Martha? A Yes, sir.
Q She isn't enrolled here yet? A No, sir.
Q She is here and enrolled? A No, sir.
Q You know whether she applied in the Creek Nation? A I can't tell you.
Q Where does she live? A Lives with me when she is at home.
Q Where is she now? A She was at Muskogee when I last heard from her.
Q Are these all your children? A Yes, sir.
Q Was Randall Foster the father of all of them? A Yes, sir, father of all of them.
Q These children are all living? A The six that I called are all living.
Q What was your mother's name? A Agar Kernel.
Q Is she living? A No, sir.
Q Was she a Creek? A Yes, sir.
Q What was your father's name? A My own father, his name was Prince.
Q Prince Kernel? A No, sir, that is all I know.
Q Were you born in the Creek Nation? A Yes, sir.
Q How long did you live in the Creek Nation? A Gracious, I can't tell you, but I know I was brought out of there in time of the war.
Q Where were you taken to? A I followed the command until they got around Gibson.
Q When you got to Gibson did you marry Randall Foster? A Yes, sir.
Q You ever apply to be enrolled in the Creek Nation? A No, sir, I never have.
Q Did you ever draw any Creek money? A No, sir, I never drew any.
Q Any of your children? A Well they said they did.
Q Did you ever try to draw any down there? A No, sir, never did try.
Q Your children always drew Cherokee money did they? A Yes, sir.

Q And so did Randall? A Yes, sir.
Q Did you ever ~~my~~ draw any for yourself? A Yes, sir.
Q Cherokee money? A Yes, sir.
Q When did you draw? A Well he drew for me in his life time, and I guess I drew the strip.
Q Were you ever called Mary? A I never was called Mary, but that is the way it is on the roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Luvinia Foster identified thereon, Page 103, No.1099, Coowesscoowee district, as Mary Foster.

A I am not on the 1896 roll.

Commissioner: Randall is dead, is he? A Yes, sir.

The Kern-Clifton roll examined and the applicant Luvinia Foster identified thereon, page 7, No. 158, Coowesscoowee district, as Lavinia Foster.

Q Were these children all born in the Cherokee Nation? A Yes, sir, all I had by Randall Foster is born in the Cherokee Nation.
Q You say your mother's name was Hager Kernel? A Yes, sir.
Q Do you know whether Hager was on what is known as the Dunn roll? A They say she is on the Dunn roll.
Q But she is not living? A No, sir.
Q How long has Hager been dead? A Been dead seven years.

Mr. W.W.Hastings: You say you applied over in the Creek Nation for enrollment? A No, sir, I was told I had no right.
Q I asked you if you applied for enrollment? A I went over there when I was told I couldn't enroll here.
Q And applied? A Yes, sir, I am telling just how I did, I was down there last August, and they told me the Cherokees had the right to enroll the citizens and if my husband enrolled me I had no right coming back there, and I couldn't do any other way but own to the truth that he enrolled me here.

Commissioner: What made you go and apply to the Creek Nation if you knew you were on the 1880 roll? A Becaul- my folks kept sending for me, that I couldn't enroll here.
Q You knew they got 160 acres down there? A Yes, sir; I had a home that I had already made when I was able to work.

Commissioner: Luvinia Foster applies for the enrollment of herself as an intermarried citizen. She avers that she is the wide of Randall Foster. She is fully identified upon the authenticated roll of 1880 and the Kern-Clifton roll, and her son George Foster is identified on the census roll of 1896. She is not identified upon the census roll of 1896. Her husband Randall Foster, now deceased, is identified upon the authenticated roll of 1880. She avers that she is the mother of six living children, to-wit, Tom Foster, 34 years of age, Susan Foster, 30 years of age,, Martha Foster, 28 years of age, Sarah Foster, 24 years of age, and Phyllis Foster, 21 years of age.

Q Is Susan married? A Yes, sir.
Q Who to? A Ford; he is a state raised man.

She avers that her child Susan is married to one Ford, a non citizen.

Q Is Martha married? A Yes, sir.
Q Is Sarah married? A No, sir.
Q Is Phyllis married? A No, sir.

She avers that she was born in the Creek Nation, and that her mother was one Hager Kernel. She is of the opinion that

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
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ACTING CHAIRMAN

her mother's name appears upon the Dunn roll. She makes satisfactory proof as to her residence in the Cherokee Nation. She and her son George will now be listed for enrollment as Cherokee Freedman on a doubtful card by reason of the facts set forth in the testimony. Four copies of the testimony now being taken will be transmitted to the General Office of this Commission at Muskogee for their investigation as to the matter of Creek citizenship. She will be notified by mail of the decision of the Commission in the premises.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me, this the 10th of July, 1901.

Commissioner.

No. D 895

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of ....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of A.D.1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D.1901.

.....

Notary Public.

Proof of service made and original filed with the Dawes Commission.

SEP 25 1901

NOTICE!

IN THE MATTER OF the application of Luvina Foster for enrollment as a Cherokee citizen:

Case No. D 895

To Luvina Foster Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 27th 2 o'clock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9 18 1901.

L B Bell

W. O. Hastings

Attorneys for the Cherokee Nation.

Refer in reply
to the following:
Land.
[illegible]-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated May 12, 1906, transmitting the records of the consolidated applications for enrollment as Cherokee Freedmen by Lavinia Foster for herself and her minor son, George Foster; and by Nellie Foster for herself and for enrollment as Cherokee citizens for Susie and Julian Thurmal Foster.

May 13, 1906, the Commissioner decided favorably to George Foster and adversely to all the other applicants.

The record shows that one Daniel Foster, deceased, who was a Cherokee by blood, and the applicant, Sarah Foster, both of whom are identified on the 1880 authenticated Cherokee roll, are the parents of all the other applicants; that the said George Foster was born since 1880, has continuously lived in the Cherokee Nation since birth and is duly identified on the Cherokee census roll of 1896. The record further shows that all of the applicants possess rights to enrollment as Creek Freedmen.

The record further shows that Lavinia, Phillis, Susie and Malinda (Martha) Tapper have been enrolled as Creek Freedmen, have received and accepted their allotment of lands in the Creek Nation.

In view of the foregoing [illegible] Section [illegible] Tapper applicants [illegible]

Very respectfully,

[illegible]

C. F. Larrabee

[illegible]

Acting [illegible]

D. C. 38704-1905.
I.T.D. 6390-1905.
LRS

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON. August 9, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record of the consolidated applications for enrollment as Cherokee freedmen by Luvinia Foster for herself and her minor son, George Foster; and by Phillis Foster for herself; and for enrollment as Cherokee citizens for Susie and Malinda (Martha) Foster, including its decision of the same date granting the application for the enrollment of George Foster and rejecting the applications for the enrollment of Luvinia, Phillis, and Malinda (Martha) Foster as Cherokee freedmen.

Reporting May 27, 1905, the Indian Office recommended that the Commission's decision favorable to George Foster and adverse to all the other applicants be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the Commission's decision favorable to George Foster and adverse to all the other applicants is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-895, et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 21, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of George Foster, and rejecting the applications for the enrollment of Luvinia, Phillis, Susie and Malinda Foster, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 9, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

LS

Incl. S-91

Cher Fr D 896

Cher Fr D 896

File with Cully Rowe, C.F. D-886.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10th, 1901.

In the matter of the application of Peggie Archer Rowe for the enrollment of herself, her four children and three grandchildren as Cherokee Freedmen; said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Peggie Rowe Archer.
Q How old are you? A 53.
Q What is your postoffice? A Chelsea.
Q What district do you live in? A I live in the Creek Nation.
Q You want to be enrolled as a Cherokee Freedman? A Yes, sir, this is my place.
Q Well, did you ever apply to be enrolled in the Creek Nation?
A No, sir.
Q Never did? A Never has.
Q What part of the Creek Nation do you live in? A In Concharts District.
Q Do you apply to be enrolled as a Cherokee Freedman yourself?
A Yes, sir.
Q Who do you want to enrollbesides yourself? A My children.
Q How many children have you got? A Six.
~~Q Is your name Rowe? A Yes, sir.~~
Q I thought you said it was Peggie Rowe Archer? A Peggie Archer Rowe.
Q Dinah one of them? A Yes, sir.
Q Dinah about 20? A Yes, sir.
Q Katie the next one? A Yes, sir.
Q How old is she, about 18? A I think she is that; I don't know.
Q What is the next child, Annie? A Annie.
Q She is about 16 is she? A Yes, sir.
Q What is the next one's name? A Ruthie.
Q She is about 13? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A It ought to be on the Clifton roll.
Q Has Katie got some children? A Yes, sir.
Q Is she married? A No, sir.
Q How many children has Katie got? A Two.
Q What are their names? A Clarence and Rogers.
Q How old is Clarence? A I think Clarence is going on five years old.
Q How old is Rogers? A Rogers is about a; Dinah has got one.
Q What is its name? A Agnes Porter.
Q How old is Agnes? A About five years old.
Q Now, Agnes is Dinahs child is she? A Yes, sir.
Q What is Clarence's name? A Clarence Simmons.
Q Well, what is Rogers' name? A Rogers Wheat.
Q Well, have any of these other children been fooling around?
A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicants' names not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

Q Did you draw the Kern-Clifton money? A No, sir, I didn't draw.
Q Did you draw for any of these children? A No, sir.
Q Well, did you draw the Wallace money? A No, sir.
Q Your name then is not on any of the rolls of the Cherokee Nation?
A No, sir, I don't guess so.

Q You didn't draw for any of these children? A I went to Mr. Kern and Clifton and they said they put my name down.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Belonged to Mrs. Archer.
Q Polly Archer? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Is she living? A Yes, sir.
Q Well, where were you born? A Born in Saline District.
Q Well, did you go out of the Cherokee Nation during the war?
A Just a while before the war.
Q Where to? A Texas.
Q Well, when did you come back to the Cherokee Nation? A Come back when they said the treaty was made, '66.
Q What were you doing out of the Cherokee Nation in Texas before the war? A Working.
Q Did you run away from your Master? A No, sir, didn't have to run away.
Q Well, did your Master let you go to Texas, you were a slave weren't you? A My Mistress sent me to Texas just a little before the war.
Q Your Mistress sent youto Texas before the war? A Yes, sir.
Q Who with? A Clarinda Vann, her sister.
Q Your Mistress' sister? A Yes, sir.
Q Did she go to Texas? A Yes, sir.
Q You were sold down there wasn't you? A No, sir; dat paper told you I was not sold; she told me that if I wanted her to do any more to write to her.
Q You never drew any money from the Cherokee Nation at all, you nor your children? A No, sir.
Q Have you got any witnesses here? A Yes, sir, Katie and Johnson Vann.

KATIE VANN, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q Your name is Katie Vann? A Yes, sir.
Q What is your age, Mrs. Vann? A 56.
Q Your postoffice? A Lenapah.
Q Do you know the applicant here, Peggie Archer Rowe? A Yes, sir.
Q How long have you known her? A Never since she was a little girl.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Mrs. Polly Archer.
Q Well, do you know whether she was out of the country at any time?
A Yes sir, she went to Texas, she was taken.
Q When did she return? A '66.
Q Has she been living hereever since? A She didn't live in this Nation, she has been living in the Creek Nation.
Q She had been living in the Creek Nation ever since? A She has been living at Fort Gibson; Imsaw her there in '66 when I went there to draw rations.
Q She was taken to the State of Texas before the war? A Yes, sir.
Q How did that happen? A Her Mistress' sister went to Texas and she hired her from Mrs. Archer and taken her over there and after peace was declared she come back.
Q Did her Mistress' sister live in Texas? A She was there before the war.
Q And she hired this woman and took her down there? A Yes sir.

PEGGIE ARCHER ROWE, the Applicant, recalled:
Q Are you married? A Yes, sir.
Q What is your husband's name? A George Rowe.

Q Is he a Cherokee? A No, sir, he is a Seminole-Creek.
Q When did you marry him? A Married him just a little before left Texas.
Q Married in Texas? A Yes, sir.
Q Have you been living with him ever since? A Yes, sir.
Q Been living down in the Creek and Seminole Nation? A Yes, sir.
Q Out in Concharta? A Yes, sir.
By W. W. Hastings, Cherokee Representative:
Q What is your oldest child's name? A Cully.
Q And how old is Cully? A You will have to call him in here and swear to his own age, I can't tell anything about his age.
Q This is his age here on this paper? A Yes, sir.
Q Who made out this paper, him? A Yes, sir.
Q His age is put down here as 30 years of age? A Yes, sir.
Q He was born down in Texas was he? A He was born here.
Q You were married in Texas you said? A Yes, sir, but didn't have any children until I got here.
Q That is the first child you had? A Yes, sir.
Q Well, about how long after you come up here was Cully born, the next year? A Yes, sir.
Q Did you ever see Aunt Katie Vann here? A Yes sir.
Q Where did you see her? A Down there to Gibson.
Q Who were you living with over there? A I don't know who she was living with.
Q Who were you living with over there? A Over to Creek Nation?
Q Yes. A Living with my brother-in-law.
Q You never lived in the Cherokee Nation since the war? A No, sir.
Q Never have? A No, sir.
Q You never saw Katie Vann in the Cherokee Nation here did you?
A Yes, sir, I have been up and down.
Q Over there on a visit? A Yes, sir, stayed two months with her.
Q Where was she living when you stayed two months with her?
A Over at Mrs. McNairs.
Q That is the first time you ever saw her after the war was it?
A Yes, sir.
Q Where did you ever see her after the war, Auntie, honest, be right? A Why tell you honest and you wont believe me; if I go to work and tell you a lie you will believe me.
Q I want you to tell me when you saw her first? A I saw her at Gibson.
Q Did you have Cully with you? A No, sir; how could I have Cully with me.
Q Wasn't both was he? A No, sir.
Q Auntie, who did you come back up here with? A From Texas?
A Yes. A Old man John Rowe brought us all here.
Q John Rowe? A Yes, sir.
Q What kin is he to you? A He is a cousin of mine and belonged to Dave.
Q Did John come over to Fort Gibson? A Yes, sir, we come through there.
Q Did you come along with any Cherokees? A No, sir, we come ourselves.
Q That woman you went to Texas with, Clarinda Vann, she was named Clarinda Somers, wasn't she? A Yes, sir.
Q You know the boy Joe don't you? A Yes, sir.
Q Jow knows when you left there? A No, sir, he don't.
Q You nursed him down there didn't you? A Yes, sir.
Q Well, now, about how old was he when you left?
A I don't know; I can't tell you something I don't know.
Q His mother died in Texas? A His mother died in Texas.
Q Joe Somer's mother didn't she? A Died here.
Q Did [illegible] back after the war? A Yes, sir.

Q Did Joe have any other brothers or sisters? A Yes, sir, had one brother Cull and Annie.
Q Were they older or younger than Joe? A Joe was the baby boy.
Q They are living in Texas yet aren't they? A They are dead.
Q How long after you come back until you saw Mrs. Archer after the war? A Saw her two or three times.
Q Well, how many years after the war? A I never saw her until the year I went to get these affidavits made out.
Q You never saw her until then did you? A No, sir.
Q I believe you states that you never have lived in the Cherokee Nation; you have lived in the Creek Nation ever since the war?
A Of course I have; I wasn't going to tell any lie.
Q Where was Cullie born? A Cullie was born in Concharta.
Q How long had you been there? A I don't know.
Q First year after you come up there? A I don't know; I have been there ever since.
Q I want to know how long you were down to Concharta after the war?
A I don't know.
Q But he was your first child? A Yes, sir.
Q And you were married in Texas? A Yes, sir..
Q How far did you live from that woman, from Katie Vann, the witness? A Lived right close together, Katie Vann is my uncle's wife
Q Where was this woman, Katie Vann, living when you came back here
A I don't know where she was living, in Gibson I reckon; don't know whether she was staying there or what, she was there; didn't stay there long enough to know anything.
Q You didn't? A No, sir.
Q Just come over there on a visit? A No, I was going over in the Creek Nation.
Q Well how long before the war was it; you went to Texas in '47?
A Itwas justa little before the war.
Q Well, about how many years? A I don't know, maybe not a year.
Q That is your best judgment is it? A That is all I can judge.
Q Did youe ver see Mrs. Archer after that? A While I was in Texas
Q Yes. A No, sir, I seen her daughter's there, Lou and Mary Archer.

By Com'r Needles:

Q Now, Peggie, is your husband living? A Yes, sir.
Q He is living over in the Creek Nation? A Yes, sir.
Q Did these children of yours ever draw any Creek money?
A No, sir.
Q Ever been enrolled over there as Creeks? A No, sir, Creeks don't recognize the Cherokee people over there; they recognize them as Cherokee citizens; never did draw, never tried to.
Q Did your husband draw Creek money? A He draws Seminole money; he is a Seminole.
Q Bue he lives in the Creek Nation? A He lives in the Creek Nation.
Q Got a farm over there in the Creek Nation? A Yes, sir.
Q How many acres? A I can't tell you.
Q Yourhusband is named Howe is it? A Yes, sir.
Q What is his first name? A George.

By Mr. Hastings:

Q What is your postoffice? A Choska.
Q That has been your postoffice all the time? A Yes, sir.
Q You didn't have any witnesses before the Kern-Clifton Commission?
A No, sir; you told me you didn't want Tom Archer to go in there any more; I told you Tom Archer was my witness; I want to tell you what you said; you was the one that would not call my witnesses, you would not have him in there.

By Com'r Needles:

Q Have you got anybody tending to your case for you?

J. D. 896

INTERIOR
UNITED STATES
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JUL 31 1901
ACTING CHAIRMAN

A No, sir.

KATIE VANN, the witness, recalled:
By Mr. Hastings:

Q Where were you living in 1866? A On Grand River, at Martha Vann's place, Dave Vann's mother.

Q You saw this woman at Fort Gibson? A Yes, sir. Went down there to draw rations.

Q And she was there to draw rations? A I dont know what she was there, I was there after something to eat myself.

Com'r Needles: Peggie Archer Rowe applies for the enrollment of herself and four children, Dinah, Katie, Annie and Ruthie. She also applies for the enrollment of her two grandchildren, Clarence Simmons and Rogers Wheat, and avers that they are the children of her daughter, Katie, for whom she applies. She also applies for her grandchild, Agnes Porter, whom she avers is the daughter of her child Dinah. The name of the applicant and none of her children are found upon any of the rolls in the possession of the Commission, the rolls have been duly examined and their names cannot be found. She avers that she resides in the Creek Nation and has resided there ever since '66 and that her husband, George Rowe, is a Seminole citizen; and avers that she was taken to Texas before the war between the United States and the Confederacy, and returned in 1866. Reference is made to her testimony. From the fact that her name does not appear upon any of the rolls of the Cherokee Nation, said Peggie Archer Rowe and her children and grandchildren, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. It will be necessary for her to make satisfactory proof of the birth of her said children and grandchildren, they not being identified upon any of the rolls; blank affidavits for that purpose will be furnished.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.

Signed, T. B. Needles,
Commissioner.

* * * * * * * * * * * * * * * *

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this 22th of July, 1901.

M. Shea
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 27, 1901.

In the matter of the application of Cully Rowe for enrollment as a Cherokee Freedman.

Cully Rowe, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Cully Rowe.
Q How old are you? A 30 years old.
Q What is your postoffice address? A Choska.
Q What district do you live in? A I live in the Creek Nation.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Not anyone.
Q Is your name on the roll of 1880? A No, sir.
Q What is your father's name? A George Rowe.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Peggy Rowe.
Q Is she living? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Charlotte Rowe.
Q Have you any children? A Yes, sir.
Q You apply for the enrollment of them? A No, sir.
Q Has your wife been listed for enrollment? A Yes, sir, in the Creek Nation.
Q Your wife and children are Creeks? A Yes, sir.
Q Where were you born? A In the Creek Nation.
Q You lived in the Creek Nation all your life? A Yes, sir.
Q You say your name is not on the roll of 1880? A No, sir.
Q Is your father's or mother's name on the roll of 1880?
A No, sir; my mother applied to Chelsea.
Q You claim your citizenship through your mother? A Yes, sir.
Q Did you ever apply for citizenship in the Creek Nation? A No, sir.
Q Did your mother? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A No, sir.
Q Peggy Rowe is your mother? A Yes, sir.
Mr. W.W.Hastings, Cherokee attorney: You have lived with your mother down there? A Yes, sir.
Q You live with her yet? A No, sir.
Commissioner: Do you live in the Creek Nation? A Yes, sir.
Q Married there and raised your family there? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A No, sir, not as I know of.
Q Never drew any money in the Cherokee Nation? A No, sir.

The rolls of Cherokee Freedmen in the possession of the Commission examined and the applicant not identified on any roll.

Commissioner: Cully Rowe applies for the enrollment of himself. He cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission. He avers that he is the son of Peggy Rowe. He avers that he was born in the Creek Nation, has lived there all his life time, and is living there at this time; that he married and raised a family there. He applied for Cherokee citizenship through his mother, Peggy A., who is listed for enrollment on D card 646. The testimony taken in the matter of the enrollment of Peggy A. Rowe, D card 646, will now be made part of the record in the case at bar, and a copy of the testimony filed herewith. Said Cully Rowe will be listed for enrollment as a Cherokee Freedman upon a doubtful card to await further consideration of the Commission. He will be notified by mail of the action

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DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN.

Sully Rowe - 2.

of the Seminole in the premises.

Mr. T.F.Hastings, Cherokee attorney: Your father was a Creek, wasn't he? A No, sir, a Seminole.
Q Are you on the Seminole roll? A No, sir.
Q Did you ever draw any Seminole money? A No, sir.

Stipulation

Bruce E. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce E. Jones

Sworn to and subscribed before me this the 10th of July, 1901.

Commissioner.

File with Cherokee Freedman D-696, Gully Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Peggy A. Rowe, et al. for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Applicant present in person;
J. S. Davenport, of counsel for Cherokee Nation.

MARY F. ARCHER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Mary F. Archer.

Q Where do you live, Mrs. Archer? A Near Pryor Creek.

Q How long have you lived in the Cherokee Nation? A Well, I have lived in it always.

Q What was your maiden name before you married? A Vann.

Q Had you a sister who married a man named Sumner prior to the war? A Yes, sir.

Q What was her name? A Her name was Clarinda.

Q Was Clarinda Summers living in the Cherokee Nation when the war broke out? A No, sir.

Q Where was she living? A Texas.

Q Did she return to the Cherokee Nation after the war? A A number of years after the war.

Q About how long ago was it since she came back to the Cherokee Nation? A Well I expect 15 years.

Q Is she living or dead? A She is dead.

Q How long did she live after she returned to the Cherokee Nation? A About six months, or eight.

Q Do you know whether or not her family was admitted, or her children was readmitted after they came from Texas? A Her son was.

Q What is his name? A Joe Summers.

Q Do you know a colored woman here, the applicant here, who now goes by the name of Peggy Rowe? A I used to know her, knew her before the war.

Q Do you know whether or not she went with your sister to Texas when she moved to Texas prior to the war? A Yes, sir, she went with her.

Q Do you know where she was living when the war broke out? A She was in Texas.

Q When did the applicant return to the Cherokee Nation to live, if you know? A I don't know.

Q Do you know whether or not she has ever made her home here in the Cherokee Nation since she went to Texas with your sister? A I think not.

Q When did your sister go to Texas: I mean with reference to the war, how many years before the war? A A number of years before the war, any time.

Q When did you first see the applicant after the war, about how many years ago? A About two years ago.

Q The applicant came to your house did she? A Yes, sir.

Q Did you have any conversation with her then with reference to where she was living when the war broke out? A [illegible] war she was in Texas.

Q Did you any conversation with her as to the year she came back [illegible] years ago? A [illegible]

Commissioner: Who took Peggy Rowe to Texas? A Mrs. Summers.
Q Clarinda Summers? A Yes, sir.
Q Who owned her? A She lived with my family then.
Q Was she owned by your family? A Yes.
Q And did your family go to Texas at the same time? A No, they have never been to Texas.
Q If she was owned by your family, how did she get into Texas?
A She went with my sister.
Q Did your family hire her to your sister? A No, we just let them go.
Q You are a Cherokee citizen?, A Yes, sir.
Q Always have been? A Yes, sir.
Q Then you owned Peggy Rowe when she went to Texas with Clarinda?
A Yes, sir.
Q You owned her then at the time of the emancipation then?
A Yes, sir, I guess it would be considered so.
Q When did Peggy come back from Texas? A I don't know when she come back, I never knew her any more till about two years ago.
Q You don't know where she has been living then from '66 to the present time? A No, but she said she was living in the Creek Nation.
Q But she belonged to your family and you are a Cherokee citizen?
A Yes, sir.
Q And she belonged to your family at the time of the emancipation proclamation? A Yes, sir.
Mr. Davenport: Your sister was a member of this family? A Yes, sir.
Q And when she started to go to Texas she was a Cherokee citizen too? A Yes, sir.
Q When her and her family returned, she had to be readmitted?
A Yes, sir.
Commissioner: What branch of your family did Peggy belong to?
A She belonged to me before the war.

Commissioner to Applicant: You want to ask Mrs. Archer anything? A No, sir.

Commissioner: This testimony will be made part of the record in Freedman case D-896 and D-897.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 26th of October, 1921.

C. H. Breeding

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by T. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17208 filed in the Mariah Hayden case F D 490, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

John Carter, D 896;

By T. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

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COMMISSION TO THE FIVE CIVILIZED TRIBES
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ACTING CHAIRMAN

~~In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file~~ in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

MDG

COMMISSIONERS
JAMES DIXON
THOMAS B. NEEDLES
C. P. BRECKINRIDGE
WM. O. BEAN,
SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER TO ENROLLMENT OF THE FOLLOWING

Cherokee Freedmen
D 886, et al

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Cully, Freeman, Peggy A., Dinah, Katie, Annie and Ruthie Rowe, Clarence Simmons, Roger Wheat and Agnes Porter as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

Cher Fr D 897

Cher Fr D 897

File with Freeman Rowe, C.T. R-897.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10th, 1901.

In the matter of the application of Peggie Archer Rowe for the enrollment of herself, her four children and three grandchildren as Cherokee Freedmen; said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Peggie Rowe Archer.
Q How old are you? A 53.
Q What is your postoffice? A Chelsea.
Q What district do you live in? A I live in the Creek Nation, this is my place.
Q You want to be enrolled as a Cherokee Freedman? A Yes, sir,
Q Well, did you ever apply to be enrolled in the Creek Nation?
A No, sir.
Q Never did? A Never has.
Q What part of the Creek Nation do you live in? A In the Concharta District.
Q Do you apply to be enrolled as a Cherokee Freedman yourself?
A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got? A Six.
Q Is your name Rowe? A Yes, sir.
Q I thought you said it was Peggie Rowe Archer? A Peggie Archer Rowe.
Q Dinah one of them? A Yes, sir.
Q Dinah about 20? A Yes, sir.
Q Katie the next one? A Yes, sir.
Q How old is she, about 18? A I think she is that, I don't know.
Q What is the next child, Annie? A Annie.
Q She is about 16 is she? A Yes, sir.
Q What is the next one's name? A Ruthie.
Q She is about 13? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A It ought to be on the Clifton roll.
Q Has Katie got some children? A Yes, sir.
Q Is she married? A No, sir.
Q How many children has Katie got? A Two.
Q What are their names? A Clarence and Rogers.
Q How old is Clarence? A I think Clarence is going on five years old.
Q How old is Rogers? A Rogers is about a: Dinah has got one.
Q What is its name? A Agnes Porter.
Q How old is Agnes? A About five years old.
Q Now, Agnes is Dinah's child is she? A Yes, sir.
Q What is Clarence's name? A Clarence Simmons.
Q Well, what is Roger's name? A Rogers Wheat.
Q Well, have any of these other children been fooling around?
A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.
The 1897 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant is not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant is not found thereon.

Q Did you draw the Kern-Clifton money? A No, sir; I didn't know.
Q Did you draw for any of these children? A No, sir.
Q Well, did you draw the Wallace money? A No, sir.
Q Your name that is not on any of the rolls of the Cherokee Nation?
A No, sir; I don't guess so.

Q You didn't draw for any of these children? A I went to Mr. Kern and Clifton and they said they put my name down.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Belonged to Mrs. Archer.
Q Polly Archer? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Is she living? A Yes, sir.
Q Well, where were you born? A Born in Saline District.
Q Well, did you go out of the Cherokee Nation during the war?
A Just a while before the war.
Q Where to? A Texas.
Q Well, when did you come back to the Cherokee Nation? A Come back when they said the treaty was made, '66.
Q What were you doing out of the Cherokee Nation in Texas before the war? A Working.
Q Did you run away from your Master? A No, sir, didn't have to run away.
Q Well, did your Master let you go to Texas, you were a slave weren't you? A My Mistress sent me to Texas just a little before the war.
Q Your Mistress sent youto Texas before the war? A Yes, sir.
Q Who with? A Clarinda Vann, her sister.
Q Your Mistress' sister? A Yes, sir.
Q Did she go to Texas? A Yes, sir.
Q You were sold down there wasn't you? A No, sir; dat paper told you I was not sold; she told me that if I wanted her to do any more to write to her.
Q You never drew any money from the Cherokee Nation at all, you nor your children? A No, sir.
Q Have you got any witnesses here? A Yes, sir, Katie and Johnson Vann.

KATIE VANN, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q Your name is Katie Vann? A Yes, sir.
Q What is your age, Mrs. Vann? A 56.
Q Your postoffice? A Lenapah.
Q Do you know the applicant here, Peggie Archer Rowe? A Yes, sir.
Q How long have you known her? A Ever since she was a little girl.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Mrs. Polly Archer.
Q Well, do you know whether she was out of the country at any time?
A Yes, sir, she went to Texas, she was taken.
Q When did she return? A '66.
Q Has she been living here ever since? A She didnit live in this Nation, she has been living in the Creek Nation.
Q She has been living in the Creek Nation ever since? A She has been living at Fort Gibson; I saw her there in '66 when I went there to draw rations.
Q She was taken to the State of Texas before the war? A Yes, sir.
Q How did that happen? A Her Mistress' sister went to Texas and she hired her from Mrs. Archer and taken her over there and after peace was declared she come back.
Q Did her Mistress' sister live in Texas? A She was there before the war.
Q And she hired this woman and took her down there? A Yes, sir.

PEGGIE ARCHER ROWE, the Applicant, examined:
Q Are you married? A Yes, sir.
Q What is your husband's name? A [illegible]
Q Is he a Cherokee? A No, sir, he is a [illegible]

Q When did you marry him? A Married him just a little before left Texas.
Q Married him in Texas? A Yes, sir.
Q Have you been living with him ever since? A Yes, sir.
Q Been living down inthe Creek and Seminole Nation? A Yes,sir.
Q Out in Concharta? A Yes, sir.
By W. W. Hastings, Cherokee Representative:
Q What is your oldest child's name? A Gully
Q And how old is Gully? A You will have to call him in here and swear to his own age, I can't tell you anything about his age.
Q This is his age where on this Paper? A Yes, sir.
Q Who made out this paper, him? A Yes, sir.
Q His age is put down here as 30 years of age? A Yes, sir.
Q He was born down in Texas was he? A He was born here.
Q You were married in Texas you said? A Yes, sir; but didn't have any children until I got here.
Q That is the first child you had? A Yes, sir.
Q Well about how long after you come up here was Gully born, the next year? A Yes, sir.
Q Did you ever see Aunt Katie Vann here? A Yes, sir.
Q Where did you see her? A Down here to Gibson.
QQ Who were you living with over there? A I don't know who she was living with.
Q Who were you living with over there? A Over to Creek Nation?
Q Yes. A Living with my brother-in-law.
Q You never lived in the Cherokee Nation since the war? A No, sir.
Q Never have? A No, sir.
Q You never saw Katie Vann in the Cherokee Nation here did you?
A Yes, sir, I have been up and down.
Q Over there on a visit? A Yes, sir, stayed two months with her.
Q Where was she living when you stayed two months with her?
A Over at Mrs. McNairs.
Q That is the first time you ever saw her after the war was it?
A Yes, sir.
Q Where did you ever see her after the war, Auntie, honest, be right? A Why tell you honest and you wont believe me; if I go to work and tell you a lie you will believe me.
Q I want you to tell me when you saw her first? A I saw her at Gibson.
Q Did you have Gully with you? A No, sir; cow could I have Gully with me.
Q Wasn't born was he? A No, sir.
Q Auntie, who did you come back up here with? A From Texas?
Q Yes. A Old man John Rowe brought us all here.
Q John Rowe? A Yes, sir.
Q What kin is he to you? A He is a cousin of mine and belonged to Dave.
Q Did John come over to Fort Gibson? A Yes, sir, we come through there.
Q Did you come along with any Cherokees?, A No, sir, we come ourselves.
Q That woman you went to Texas with, Clarinda Vann, she was named Clarinda Somers, wasn't she? A Yes, sir.
Q You know the boy Joe don't you? A Yes, sir.
Q Joe knows when you left there? A No, sir, he don't.
Q You nursed him down there didn't you? A Yes, sir.
Q Well, now, about how old was he when you left?
A I don't know; I can't tell you something I don't know.
Q His mother died in Texas? A His mother died in Texas.
Q Joe Somers' mother didn't she? A Died there.
Q Did she come back after the war? A Yes sir.
Q Did Joe have any other brothers or sisters? A Yes, sir, had

one brother Gull and Annie.

Q Were they older or younger than Joe? A Joe was the baby boy.

Q They are living in Texas yet aren't they? A They are dead.

Q How long after you come back until you saw Mrs. Archer after the war? A Saw her two or three times.

Q Well how many years after the war? A I never saw her until the year I went to get these affidavits made out.

Q You never saw her until then did you? A No, sir.

Q I believe you stated that you never have lived in the Cherokee Nation; you have lived in the Creek Nation ever since the war?

A Of course I have; I wasn't going to tell any lie.

Q Where was Gullie born? A Gullie was born in Concharta.

Q How long had you been there?, A I don't know.

Q First year after you come up there? A I don't know; I have been there ever since.

Q I want to know how long you were down to Concharta after the war?

A I don't know.

Q But he was your first child? A Yes, sir.

Q And you were married in Texas? A Yes, sir.

Q How far did you live from that woman, from Katie Vann, the witness? A Lived right close together, Katie Vann is my uncle's wife.

Q Where was this woman, Katie Vann, living when you came back here

A I don't know where she was living, in Gibson I reckon don't know whether she was staying there or what; she was there; didn't stay there long enough to know anything.

Q You didn't? A No, sir.

Q Just come over there on a visit? A No, I was going over in the Creek Nation.

Q Well how long before the war was it; you went to Texas in '47?

A It was just a little before the war.

Q Well, about how many years? A I don't know, maybe not a year.

Q That is your best judgment is it? A That is all I can judge.

Q Did you ever see Mrs. Archer after that? A While I was in Texas?

Q Yes. A No, sir, I seen her daughter's there, Lou and Mary Archer

By Com'r Needles:

Q Now, Peggie, is your husband living? A Yes, sir.

Q He is living over in the Creek Nation? A Yes, sir.

Q Did these children of yours ever draw any Creek money?

A No, sir.

Q Ever been enrolled over there as Creeks? A No, sir, Creeks don't recognize the Cherokee people over there; they recognize them as Cherokee citizens; never did draw; never tried to.

Q Did your husband draw Creek money? A He draws Seminole money; he is a Seminole.

Q But he lived in the Creek Nation? A He lives in the Creek Nation.

Q Got a farm over there in the Creek Nation? A Yes, sir.

Q How many acres? A I can't tell you.

Q Your husband is named Rowe is it? A Yes, sir.

Q What is his first name? A George.

By Mr. Hastings:

Q What is your postoffice? A Choska.

Q That has been your postoffice all the time? A Yes, sir.

Q You didn't have any witnesses before the Kern-Clifton Commission?

A No, sir; you told me you didn't want Tom Archer to go in there any more; I told you Tom Archer was my witness; I want to tell you what you said; you was the one that would not call my witnesses, you would not have him in there.

Examination

By Com'r Needles:

Q Have you got anybody tending to your home for you?

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ACTING CHAIRMAN.

A No, sir.

KATIE VANN, the witness, recalled:
By Mr. Hastings:

Q Where were you living in 1866? A On Grand River, at Martha Vann's place, Dave Vann's mother.

Q You saw this woman at Fort Gibson? A Yes, sir. Went down there to draw rations.

Q And she was there to draw rations? A I don't know what she [illegible]

Com'r Needles: Peggie Archer Rowe applies for the enrollment of herself and four children, Dinah, Katie, Annie, and Ruthie. She also applies for the enrollment of her two grandchildren, Clarence Simmons and Rogers Wheat, and avers that they are the [illegible] children of her daughter, Katie, for whom she applies. She also applies for her grandchild, Agnes Porter, whom she avers is the daughter of her child Dinah. The name of the applicant and none of her children are found upon any of the rolls in the possession of the Commission, the rolls have been duly examined and their names cannot be found. She avers that she resides in the Creek Nation and has resided there ever since '66 and that her husband, George Rowe, is a Seminole citizen; and avers that she was taken to Texas before the war between the United States and the Confederacy, and returned in 1866. Reference is made to her testimony. From the fact that her name does not appear upon any of the rolls of the Cherokee Nation, said Peggie Archer Rowe and her children and grandchildren, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. It will be necessary for her to make satisfactory proof of the birth of her said children and grandchildren, they not being identified upon any of the rolls; blank affidavits for that purpose will be furnished.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson,

Subscribed and sworn to before me this 31st day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce G. Jones

Sworn to and subscribed before me this the 30th of July, 1901.

M. O. Green
Notary Public.

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 27, 1902.

In the matter of the application of Freeman Rowe for enrollment as a Cherokee Freedman.

Freeman Rowe, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Freeman Rowe.
Q How old are you? A 22.
Q What is your postoffice address? A Choska.
Q What district do you live in? A The Creek Nation.
Q Your district is in the Creek Nation? A Yes, sir.
Q Choska in the Creek Nation? A Yes, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q What is your fathers name? A George Rowe.
Q What is your mother's name? A Peggy Rowe.
Q Are you married? A No, sir.
Q Who do you want to enroll besides yourself? A Nobody.
Q Where were you born? A I don't know, Creek Nation I guess.
Q Have you lived in the Creek Nation all your life? A Yes, sir.
Q Living there now? A Yes, sir.
Q Is your name on the rolls of the Creek Nation? A No, sir.
Q Every draw any Creek money? A No, sir.
Q Did you ever draw any Cherokee money? A No, sir, I applied before the Kern-Clifton and didn't get it.
Q Between the Creek and Cherokee Nations you didn't get any?
A No, sir, I never applied in theCreek Nation.
Q Your father a Seminole? A Yes, sir.
Q How long has your father been dead? A He isn't dead, he is living now.
Q Where is he living? A In the Creek Nation.
Q Your mother living in the Creek Nation? A Yes, sir.

The rolls of Cherokee Freedmen in the possession of this Commission examined and the applicant not identified on any roll.

Commissioner: Freeman Rowe applies for the enrollment of himself. His name cannot be found upon any of the rolls of the Cherokee Nation. He avers that he was born and raised in the Creek Nation, that his father was a Seminole and his mother a Cherokee. He claims citizenship through his mother, Peggy A. Rowe, who is listed for enrollment on D card 646, and the testimony taken in the matter of the application of the said Peggy A. Rowe will be made part of the testimony in the case at bar and a copy thereof filed herewith. Said Freeman Rowe will be listed for enrollment upon a doubtful card.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of July, 1902.

D. R. Needles

Commissioner.

File with Cherokee Freedman D-897, Freedman Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Peggy A. Rowan, et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Applicant present in person;
J. S. Davenport, of counsel for Cherokee Nation.

MARY F. ARCHER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Mary F. Archer.
Q Where do you live, Mrs. Archer? A Near Pryor Creek.
Q How long have you lived in the Cherokee Nation? A Well, I have lived in it always.
Q What was your maiden name before you married? A Vann.
Q Had you a sister who married a man named Summer prior to the war? A Yes, sir.
Q What was her name? A Her name was Clarinda.
Q Was Clarinda Summers living in the Cherokee Nation when the war broke out? A No, sir.
Q Where was she living? A Texas.
Q Did she return to the Cherokee Nation after the war? A A number of years after the war.
Q About how long ago was it since she came back to the Cherokee Nation? A Well I expect 15 years.
Q Is she living or dead? A She is dead.
Q How long did she live after she returned to the Cherokee Nation? A About six months, or eight.
Q Do you know whether or not her family was admitted, or her children was readmitted after they came from Texas? A Her son was.
Q What is his name? A Joe Summers.
Q Do you know a colored woman here, the applicant here, who now goes by the name of Peggy Rowe? A I used to know her, knew her before the war.
Q Do you know whether or not she went with your sister to Texas when she moved to Texas prior to the war? A Yes, sir, she went with her.
Q Do you know where she was living when the war broke out? A She was in Texas.
Q When did the applicant return to the Cherokee Nation to live, if you know? A I don't know.
Q Do you know whether or not she has ever made her home here in the Cherokee Nation since she went to Texas with your sister? A I think not.
Q When did your sister go to Texas? I mean with reference to the war, how many years before the war? A A number of years before the war, say ten.
Q When did you first see the applicant after the war, about how many years ago? A About two years ago.
Q [illegible] went to your house did she? A Yes, sir.
[illegible]

Commissioner: Who took Peggy Rowe to Texas? A Mrs. Summers.
Q Clarinda Summers? A Yes, sir.
Q Who owned her? A She lived with my family then.
Q Was she owned by your family? A Yes.
Q And did your family go to Texas at the same time? A No, they have never been to Texas.
Q If she was owned by your family, how did she get into Texas?
A She went with my sister.
Q Did your family hire her to your sister? A No, we just let them go.
Q You are a Cherokee citizen?, A Yes, sir.
Q Always have been? A Yes, sir.
Q Then you owned Peggy Rowe when she went to Texas with Summers?
A Yes, sir.
Q You owned her then at the time of the emancipation then?
A Yes, sir, I guess it would be considered so.
Q When did Peggy come back from Texas? A I don't know when she come back, I never knew her any more till about two years ago.
Q You don't know where she has been living then from 65 to the present time? A No, but she said she was living in the Creek Nation.
Q But she belonged to your family and you are a Cherokee citizen?
A Yes, sir.
Q And she belonged to your family at the time of the emancipation proclamation? A Yes, sir.
Mr. Davenport: Your sister was a member of this family? A Yes, sir.
Q And when she started to go to Texas she was a Cherokee citizen too? A Yes, sir.
Q When her and her family returned, she had to be readmitted?
A Yes, sir.
Commissioner: What branch of your family did Peggy belong to?
A She belonged to me before the war.

Commissioner to Applicant: You want to ask Mrs. Archer anything? A No, sir.

Commissioner: This testimony will be made part of the record in Freedman case D-896 and D-897.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of October, 1901.

C. R. Breckinridge

Commissioner.

No. D 897

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of ....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of A.D.1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D.1901.

.....

Notary Public.

Proof of Service made
[illegible] filed with the
[illegible] COMMISSION.

Approved 8 19

NOTICE!

IN THE MATTER OF the application of Foreman Rowe for enrollment as a Cherokee citizen:

Case No. D 897

To Foreman Rowe Choska I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 8th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Copy

CHEROKEE FREEDMAN, 10-897

DEPARTMENT OF THE INTERIOR:

INDIAN TERRITORY DIVISION:

In Re the Application for the Enrollment of Freeman Ross as a Cherokee Freedman. Mr. H. H. Hastings, attorney for the Cherokee Nation, you are hereby notified that I will this 14th day of January, 1905, mail the herewith enclosed motion to the Honorable Secretary of the Interior.

Freeman Ross
by his Agt. William H. Dunn

UNITED STATES OF AMERICA,

INDIAN TERRITORY, ss.

NORTHERN DISTRICT

I, ..., on oath state that I am .....years of age; that my postoffice address is.....; and that I did on the .....day of.....serve the above notice and a copy of the herewith enclosed motion upon..... .....by delivering a copy of the same to ....at.....

Subscribed and sworn to before me this .....day of .....

Notary Public.

My Commission Expires.....

Department of the Interior
Indian Territory Division

Cherokee Freedman
D--897

In Re the Application for the Enrollment of Peggy A. Rowe et al as Cherokee Freedmen, Consolidating the Application of Peggy A. Cully and Freeman Rowe.

MOTION

Comes now Freeman Rowe, one of the applicants in the above entitled cause, and moves that the Decision therein rendered and affirmed be modified or vacated, and that he be granted a new trial or other proper relief.

For the reason that he believes said Decision is contrary to law.

And presents the following in support thereof.

First, The Cherokee Treaty ratified August 7th 1902, with but a few minor exceptions, refers the matter of the making of rolls of citizenship to Section 21 of the Act of Congress approved June 28th 1898.

Second, Section 21 of the Act of Congress of June 28th 1898 directs that a Roll of Cherokee Freedmen be made in strict compliance with the Decree of the Court of Claims rendered Feb. 8th3rd 1896, and numbered 17209.

Third, The Court of Claims Decree of Feb. 3rd 1896 authorized the Commission to the Five Civilized Tribes to hear testimony both for and against the identity of all persons claiming to be entitled to citizenship in the Cherokee Nation, under the Treaty made by and between the United States and the Cherokee Nation, July 19th 1866.

Fourth, The ninth article of the Treaty of July 19th 1866 makes all persons who were slaves of Cherokee Indian Citizens, and who were liberated by law, and their descendants, citizens of the Cherokee Nation.

Fifth, The ninth article of said Treaty as far as it relates to the Status of Freedmen, Free colored persons and their descendants reads as follows: "They further agree that all Freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

Sixth, The Act of June 28th 1898 would not be strictly complied with unless the requirements of the Court of Claims Decree were fulfilled.

Seventh, Freeman Rowe is the son of Peggy Rowe or archer, who was a slave of a Cherokee Indian Citizen, and who was liberated by law. THEREFORE, we contend that the Decision in this case is contrary to Section 21 of the Act of Congress approved June 28th 1898, and that the applicant, Freeman Rowe, should be gtanted a new trial or given other proper relief.

Respectfully submitted,

Freeman Rowe by his

Agent William H. Vann

Cher Fr D 898

Cher Fr D 898

File with Isabell Vann, C.F. D-898.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Sarah McNair for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, ~~test~~ she testified as follows:

Q What is your name? A Sarah McNair.
Q How old are you? A I am 16.
Q 16? A I am 20 I mean, 24.
Q Is that your name now, Sarah McNair? A Yes sir.
Q 24? A Yes sir.
Q What is your post-office? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself and my sisters.
Q How old is your sister? A I can't tell exactly.
Q Is she here? A Yes sir, they are all four here.
Q They are here to enroll themselves? A Yes sir.
Q Are you married? A No sir.
Q Ever been married? A No sir.
Q Got any children? A No sir.
Q What is your father's name? A George McNair.
Q Are you on the roll of 1880? A Yes sir.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.
Q What is your mother's name? A Martha Nave before she was married
Q You claim your citizenship through your father or mother, or both?
A Both.
Q Have you got any witnesses? A Yes sir.
Q Have your father and mother been enrolled here yet? A They are dead.
Q Your father and mother are both dead? A Yes sir.
By Mr. Hastings, Cherokee Rep've:
Q When did they die? A I can't tell exactly.
Q Before the Kern-Clifton enrollment? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir, on the Wallace roll.
Q Where were you born? A In Coowescoowee.
Q Cherokee Nation? A Yes sir.
Q Lived there all your life? A Yes sir.
Q Who are your witnesses? A Dinah Vann and Ed Vann.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 124 #673 Sarah McNair, Coowescoowee District;
Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

DINAH VANN, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Dinah Vann.
Q How old are you? A 80.
Q What is your postoffice? A Lenapah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Your name on the roll of 1880? A Yes sir.
Q Do you know Sarah McNair, the applicant? A I raised those children; I raised 5 of them
Q Well I am talking about this one? A Yes sir.
Q What was her father's name? A George McNair.
Q What was her mother's name? A Martha Nave.
Q Were they slaves? A Yes sir.
Q Who did they belong to? A Miss Nave, Alex Nave's wife.

Q Who did they belong to? A Miss Nave, Alex Nave's wife.
Q Was she a Cherokee? A Yes sir.
Q When did George McNair die? A Well I couldn't tell you.
Q Did he die before the war? A Oh no sir, he died on Pryor's Creek
Q About how long ago? A I don't know how long
Q When did Marthadie? A She died since he died.
Q And they both died since the war? A Yes sir.
Q Well about how many years ago? A I don't know exactly how many years.
Q You say they were the slaves of Nave? A Yes sir.
Q Were they taken out of the Cherokee Nation during the war?
A No sir, they didn't take them out.
Q Never took them out of the Cherokee Nation? A No sir, they aint never been out until time of the war.
Q Then they went out did they time of the war? A Yes sir.
Q Where to? A She is my daughter; went to Kansas.
Q Where did George go? A Went south.
Q When did George and Martha come back? A Martha came back when did.
Q When was that? A '66.
Q She lived here until she died? A Yes sir.
Q When did George come back? A I don't know exactly, the men folks will know.
Q You don't know? A I don't know exactly when George died.
Q Did they live together as man and wife after they came back until they died? A Yes sir.
Q This child born then? A Yes sir.
Q What's the names of the other four children? A Laura is the oldest one.
Q Is Laura married? A She was married, but she aint married now.
Q Whats her husband's name? A Frank Johnson.
Q What is the next one after Laura? A Isabelle.
Q Is she married? A She was married, but she aint married now.
Q Who was she married to? A Eddie Vann.
Q What is the next one? A Flora.
Q Is she married? A Yes sir.
Q Who did she marry? A Will Love.
Q She living with Will Love now? A Yes sir.
Q What's the next one? A Annie.
Q Is Annie married? A No sir.
Q Annie is single? A Yes sir.
Q Are you the grammother of these children? A Yes sir, I raised all 5 of them since their mother died.
Q Thy are all the children of Martha Nave by George McNair are they?
A Yes sir.
Q And Martha came back in '66? A I brought her back with me in '66.
Q ~~And Martha came back here~~ Is your name on the roll of 1880?
A I guess it is.
By Mr. Hastings:
Q How old was this girl's mother when the war come up? A She had 2 children.
Q What was their names? A When the war got up?
Q Yes, when it come up? A 2 children.
Q You think she had 2 children? A Yes, sir, she had 2 children.
Q What was their names? A Laura and Bell.
Q That was before the war? A No, it must have been since.
Q Well these children were they born before the war or since the war? A Since the war.
Q Where were they born? A On Pryor's Creek.
Q Where was this bird born? A Yonder in - -
Q In Kansas? A No sir, she never had many a child in Kansas, all of these children were born on Pryor's Creek and the Verdigris.
Q Well was this one born on the Verdigris? A Yes sir.

Applicant, SARAH McNAIR, re-called, and further examined:
By Mr. Hastings:

Q Did you apply before the Kern-Clifton Commission for enrollment
A Yes sir.
Q Under what name? A McNair.
Q What is your first name? A Sarah McNair.
Q Where did you apply? A Lightning Creek.
Q Were you enrolled? A Yes sir.
Q Did you draw money? A Yes sir.
Q On the Kern-Clifton roll? A No sir, on the Wallace roll.
Q Well I mean when Kern and Clifton was around here, did you make application then? A No sir.
Q You didn't? A No sir.
Q Why didn't you? A My grandmother didn't get the money.
Q Well did you apply for enrollment before the Kern-Clifton Commission? A Yes sir.
Q Under what name? A McNair.
Q That was 5 years ago? A Yes sir.
Q Where did you apply? A Lightning Creek.
Q At Hayden? A Yes sir.
Q And you applied under the name of McNair? A Yes sir.
Q Did you go in yourself and testify? A No sir, my grandma testified.
Q This woman? (pointing to witness) A Yes sir.

Witness, HINAH VANN, re-called and further examined:
By Mr. Hastings:

Q Where did you live before the war? A Lived right in Flint.
Q Where did this girl's mother live? A Right there in Flint with me, the same owners.
Q You had the same owners? A Yes sir.
Q I am trying to get from you how old her mother was when the war came up? A Well I didn't know exactly.
Q Was she grown? A Yes sir, young woman, grown when the war came up
Q Had no children? A She had that eldest girl.
Q What was her name? A Laura.
Q Then Laura was a slave herself? A Yes sir.
Q Where did you go during the war? A Kansas.
Q Did the mother of this applicant go with you? A Yes sir, she went with me.
Q What place in Kansas? A 6 miles above Iola.
Q Now Aunty, who came along in the same crowd that you came along in? A I couldn't tell you who all there was, but all of my kinfolks came along, Joe Wolf.
Q Who else came along? A Moses Nave, he is dead.
Q Moses Nave came along? A Yes sir.
Q Who else came along? A George Lantrum came along.
Q Who else? A Well I couldn't tell you who all was.
Q Where did you come to? A Fryer's Creek.
Q To what place on Fryers Creek? A By the creek there right there where the meeting house is now.
Q And you located right there did you? A Yes sir.
Q Well now this girl's father and mother were not married at that time were they? A No sir, they married there on Fryer's Creek.
Q What time of the year was it you got there? A '66.
Q Well what time? A I couldn't tell you.
Q You know whether it was in the morning or evening? A In the morning.
Q In the morning, that? A Yes sir.
Q You had a [illegible] A Yes sir.
Q In which [illegible] A [illegible]
Q And it [illegible]
Q You made a [illegible] A [illegible]

Q What Cherokees lived around you? A I didn't know any but John Grass.

Q Did he live there? A He lived there in the house.

Q About how far from you? A About 5 miles.

Q How long after you came back now until you saw this girl's father A Well it wasn't long.

Q Where did this girl's mother die? A Die to my house on Pryor's Creek.

Q Did she continue to live with you all the time while she was living with her husband? A She lived there in a half a mile, but she died at my house. He was dead then.

Q Where did he die? A He died there at his house, half a mile and then she took sick and come to my house and she died right in my house.

Q Did she ever live off of Pryor Creek after the war? A No sir.

Q She always lived right there? A Always right there.

Q And this girl was born there was she? A This girl was born there

Q She wasn't born when you came back here after the war? A No sir

Q Did you apply for this girl to the Kern-Clifton Court 5 years ago when Kern Midgliffon and Turner and all of them were around, like they are now, did you try to enroll this girl, to draw her money?

A I don't know, sir, I didn't get no money.

Q Did you go in though before the court and testify about her or not? A I testified for the children.

Q Did you for this one? A I must have tested, I had them all, I had all the children and raised the whole family.

Q What did you say her father's name was? A George McNair, and he died.

By Com'r Needles:

Q Your name on the 1880 roll? A Yes sir.

Q Was your daughter Martha's name on the roll of 1880? A She drawed at Vinita.

Q Her name now is Martha Nave, her name when she died was Martha Nave? A Yes sir.

Q Did she have a husband named Nave? A No, sir, she just went by owner.

Q She never went by the name of Martha Vann? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's mother, and not found.

By Mr. Hastings:

Q Was you and Ed Vann living together when you came back here after the war? A No, we married since, I come back with a man named Armstead Bell, that was my man then.

Remainder of this case taken by Stenographer _____

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this July 8, 1908.

Signed, T. M. Needles,

Commissioner.

Continued, by stenog. _____

Naves Memorial Application continued: Former portion taken by Stenographer M. D. Green.

Phillip Tally, being sworn and examined by Commissioner T. M. Needles, testified as follows:

Q What is your name? A Edmond Vann.
Q Your postoffice? A Lenapah.
Q How old are you? A 58.
Q Are you the husband of Dinah Vann? A Yes sir.
Q Do you ~~xx~~ know the applicant here, Sarah McNair? A Yes, sir.
Q What was her father's name? A Johnse McNair.
Q Was he a slave? A Yes, sir.
Q To whom did he belong? A Belonged to Susanna McNair.
Q Did you know her mother? A Yes sir.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Alex Nave.
Q Well, do you know whether her mother and father went out of the Cherokee Nation? A Judge we went south.
Q They were not married until after the war? A No, sir.
Q Where did Martha go? A She went South.
Q Do you know when she returned? A No, I don't.
Q When did you first see her? A Over on Pryors Creek.
Q When? A '70.
Q Is she the mother of Sarah McNair? A Yes, sir.
Q Where was Sarah born? A Sarah was born up here.
Q In the Cherokee Nation? A Yes, sir.
Q Always lived in the Cherokee Nation? A Yes, sir.
Q Do you know when George McNair came back? A No, sir.
Q When did you first see George after the war? A Well him and Martha McNair was married when I saw him and had one child.
Q In '70? A Yes, sir.
Q So you never saw them until 1879 and don't know when either of them returned? A No, sir.

Commissioner Needles: Sarah McNair applies for the enrollment of herself. She avers that she is a child of George McNair, that her mother was Martha Nave. She avers that George and Martha Nave were married after the Civil war and that she was born and raised in the Cherokee Nation and lived here all her life. She avers that she is unmarried. As to proof of her citizenship and as to the time when her father and mother returned to the Cherokee Nation reference is made to the testimony. She cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll and she is duly identified upon that roll according to the page and number as indicated in the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. She avers that she was raised by Dinah Vann, who was her grandmother, Dinah Vann having been the mother of her mother. She said Dinah Vann is duly identified upon the authenticated roll of 1880. She will be notified of the action of the Commission in the premises by mail.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.
Subscribed and sworn to before me this July 12, 1901.
Signed, T. B. Needles,
Commissioner.

* *

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 31 1901
[illegible] Chairman

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 27, 1906.

In the matter of the application of Isabell Ann Vann for the enrollment of herself and one sister as Cherokee Freedmen.

Isabell Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Isabell Vann.
Q How old are you? A 25.
Q What is your post office? A Lenapah.
Q What district do you live in? A Coweskoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I have a sister.
Q How old is your sister? A 18 or 19 years old. I don't know exactly how old, she isn't six yet.
Q What is your sister's name? A Dinah McNair.
Q Was she born enrolled here? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Eddie Vann.
Q What is your father's name? A George McNair.
Q What is your mother's name? A Martha McNair.
Q Your father and mother living? A No, sir, both dead.
Q Did you have a sister named Sarah McNair? A Yes, sir.
Q Have you got any children? A No, sir, no children.
Q Just want to enroll yourself and your sister? A Yes, sir.
Q Your husband's name, you say, is Edward Vann? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q Did you get your strip money? A No, sir.
Q Never got any money? A No, sir.
Q Is your name on any roll? A Wallace roll.

The Wallace roll examined and the applicant Isabell Ann identified thereon, page 124, No. 2000, Coweskoowee district, as Isabella McNair.

Dinah McNair not on said roll.

Q Did you have a sister named Flora? A Yes, sir.
Q Is Dinah younger than Flora? A Yes, sir.
Q Then Dinah's name isn't on any roll? A No, sir.
Q Dinah is your own sister? A Yes, sir.
Q Full sister? A Yes, sir.
Q And Sarah is your full sister, is she? A Yes, sir.
Q Where were you born? A On Paper Creek.
Q Cherokee Nation? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q How about Dinah? A She has been here all her life.
Q Are you married to Eddie Vann? A Yes, sir.
Q Any children? A No, sir, my children is dead.

Commissioner: Isabell Vann applies for the enrollment of herself and her sister, Dinah McNair. She avers that she is married now to one Eddie Vann, that her maiden name was Isabell McNair, that she and Dinah are own sisters and the children of George McNair and Martha McNair, and are sisters of Sarah McNair who was listed for enrollment with a card and the records show that the allegations of the said Sarah McNair are fully developed on the testimony taken in her case, and the said testimony taken in the case of Dinah McNair will be made part of the record in the case of her sister, and a copy of said testimony will be filed herewith. Said Isabell Vann is identified upon the Wallace roll opposite to her name and

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 13 1906

of the roll as indicated in the testimony. Her sister, Dinah McNair, cannot be identified upon any roll, but she makes satisfactory proof as to residence, consequently Isabell Vann nee McNair, the wife of Willie Vann, and Dinah McNair, her sister, will be listed for enrollment as Cherokee Freedmen, upon a doubtful card, and because of the fact that the said Dinah McNair's name does not appear upon any roll, it will be necessary that satisfactory proof of birth of the said Dinah be filed with the Commission. The applicant will be notified by mail of the action of the Commission in the premises.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cause, and the foregoing is a true and complete transcript of his stenograph a notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 10th of July, 1901.

Commissioner.

F.D 878

Proof of Service made
and original filed with the
DAWES COMMISSION.
SEP 20 1901

SEP 20 1901

NOTICE!

IN THE MATTER OF the application of Isabelle Vann for enrollment as Cherokee Freedmen:

Case No. F. D 898

To Isabelle Vann Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on ~~Sept~~ Oct. 9th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

File with C.F. D-898, Isabell Vann et al.

SUPPLEMENTAL:C.F.D-868

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita,I.T.,October 28,1901.

In the matter of the application of Sarah McNair for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
Mr.Smith, of Mellette & Smith, for applicant;
Mr.Davenport, of attorney s for the Cherokee Nation.

(ByStenographer:This testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green, and is transcribed by the latter.)

S.H.MAYES, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name? A S.H.Mayes.
Q How old are you? A 56.
Q What is your post-office? A Pryor Creek.
Q Are you ex-Chief Mayes of the Cherokee Nation? A Yes sir.
Q You want to give some testimony in Cherokee Freedman doubtful case 868? A Yes sir.
Q The case of Sarah McNair? A Yes sir.
Q What do you want to say about that? A (No reply)
BY MR. DAVENPORT:
Q Did you leave the Cherokee Nation during the war, Mr.Mayes?
A Yes sir.
Q When did you return? A I came back first in 1866.
Q Where did you come to then? A Came to Pryor Creek.
Q Then how long did you stay there? A I left there then in November of the same year, '66.
Q When did you come back and locate permanently? A I come back in '67; I was in the Cherokee Nation again in '67.
Q To what point did you come then? A That I left here?
Q Yes sir.? A I went to Red River and moved back in the Fall of November.
Q To what point did you come in 1867? A I come to Pryor Creek.
Q Did you know a colored person by the name of Sarah McNair, now? A No sir.
Q Do you know one by the name of Jane Whitmire? A I do not.
Q Did you ever know a colored woman by the name of Dinah Vann or Nave?A I knew one we always called Dinah Nave; she was the wife of a colored man by the name of Armstead.
Q Where did you see her before the war and when? A The first time I saw her after the war was in '68, at my home place.
Q Where was she? A She came to our place there on Pryor Creek.
Q Did you ever know any of her children? A No sir.
Q Who did you say her husband was? A Well I say I don't know; she had a boy, I think she had a boy, I know the woman well; I know the woman as well as I know anyone,- Armstead.
Q What was Armstead's name? A We always called him Armstead Nave.
Q He was a blacksmith.
Q He was the husband of Dinah Nave? A Yes sir.
Q What year did you see that woman? A I say it was in '68.
Q Where was it you saw her? A I saw her at my home place where my mother lived.
Q Did you know her before the war? A Yes sir.
Q Did you have any [illegible] from her or about from whom [illegible]
Q [illegible] you [illegible] when the time you was born in 1837

A I live right in that neighborhood.
Q Had you been around thereugh the neighborhood there where you afterwards learned these parties were located? A I herded cattle there for Blue Alberty around in the neighborhood of Pryor Creek in 1867.
Q How far was that where you herded the cattle in 1867 from where they were living when you first heard where they were living? A It was about 5 or 6 miles, of course I was closer.
Q Where was she living with reference to where Alberty lived? A About six miles.
Q Were they there in 1867? A I never saw her there in '67.
Q Do you know whether she is living now or dead? A I don't know whether she is living or not.
Q Do you know whether her husband Armstead? A Armstead is dead.
BY MR. SMITH:
Q Whose husband is Armstead? A That was her aunt Dinah, old aunt Dinah; I understand that is the same person.
Q About how old would she be now? A She would be an old lady.
Q About what age would you say? A I suppose she would be somewhere in '60s.
Q And you called her Dinah Nave? A Yes sir, her husband was named Armstead and they both belonged to old Alex Nave.
Q Do you know whether the woman you are talking about is the same woman who now goes by the name of Dinah Vann? A Couldn't; only understand so.
Q You don't know of your own personal knowledge? A No sir.
Q Well you came up in the spring or summer of 1866? A Yes sir.
Q And you stayed here a short time and went away again? A I stayed there until November, I left prior to November 1866.
Q And you came back here when? A I came back in the spring of 1867.
Q And how long did you stay that time? A I left again that fall and went back to Red River.
Q Your folks, the family, were not out here in the Cherokee Nation until when? A They came back in '67, fall of '67, in November.
Q Who was the owner of this woman you are talking about, Alex Nave? A Alex Nave, yes.
Q How far was that from where you lived when you came back? A We lived in Flint District about 3 or 4 miles or 5 miles near Evansville and Alex lived about a mile and a half from where I lived.
Q You came back to Pryor's Creek? A Yes sir.
Q That was about how far from where Alex Nave lived prior to the war? A About 65 miles.
Q You were about 65 miles from the old home of this slave? A Yes sir.
Q You don't know when she first came back to the Cherokee Nation?
A No sir, the first time I saw her was in '68.
Q You don't know how long she had been back here when you saw her?
A No sir.

COMMISSIONER: Copies of this testimony will be filed in Cherokee Freedmen Doubtful cases 888, 878, 844, 868 and 797.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case as dictated to him from the stenographic notes of J.G.Rosson by said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 1[illegible]

J C Starr
[illegible]

Cher Fr D 899

Cher Fr D 899

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 27, 1901.

In the matter of the application of Winnie Mackey for the enrollment of herself and one child as Cherokee Freedman.

Winnie Mackey, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Winnie Mackey.
Q How old are you? A I don't know how old I am.
Q How old are you? A I don't know my age.
Q About how old? A I am fifty something.
Q What is your postoffice? A My postoffice is Wagoner now.
Q In the Creek Nation? A Yes, sir.
Q Where do you live? A Cooweescoowee.
Q You apply for enrollment as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A One child.
Q What is the child's name? A Andrew.
Q How old is Andrew? A Andrew is about 18 Moore.
Q Andrew Mackey? A No, sir, Andrew Nave.
Q Have you any witnesses? A Yes, sir.
Q Who are they? A John Baldridge, Ester Grimmett and Polly Nivens.
Q Is your name on any of the rolls of the Cherokee Nation? A It ought to be.
Q Yes, but is it? A Yes, it is on the Clifton roll.
Q Your name isn't on the roll of 1880? A It ought to be.
Q Well is it? A I don't know whether it is or not.
Q What was your father's name? A Robert Davis.
Q Is he living? A No, sir, he is dead.
Q What was your mother's name? A Margaret Davis.
Q Is she living? A No, sir, she is dead.
Q How many times have you been married? A I have been married but one, I lived with a man once, I wasn't married to him.
Q What was his name? A Stewart.
Q Is he living? A No, sir, he is dead too.
Q What was his first name? A His first name was Meelie.
Q What was the next man you lived with? A Roswell Mackey.
Q Is he living? A Yes, sir.
Q Are you living with him? A No, sir, I am in Wagoner and he is in Braggs.
Q This Andrew Moore, is he your child? A Yes, sir.
Q You were not married to the father of that child? A No, sir.
Q Now what name are you on the roll by? A I have got five children: I am just telling you the ones I am enrolled on.
Q You don't ask to enroll anybody but Andrew Moore? A No, sir, the rest is of age.
Q What name are you on the Kern-Clifton roll by? A Moore.
Q Were you a slave? A Yes, sir.
Q What was your owners name? A Jack Moore.
Q Was he a Cherokee citizen? A Yes, sir.
Q Where were you born? A I was born in the Cherokee Nation.
Q Were you taken out of the Cherokee Nation during the Civil war? A Yes, sir.
Q Where to? A Jack Moore taken us down to Texas.
Q Jack Moore took you himself? A Yes, sir.
Q When was that? that while the war was going on? A Yes, sir; I don't know the numbers now, I can't tell one year from another.
Q You know the war was going on, you know about that? A Yes, sir.
Q How long did you stay in Texas? A I can't tell that neither.

Winnie Mackey - 2.

Q When did you come back to the Cherokee Nation? A Well I came in here they said it was '86; not that I know of.

Q They told you it was '86? A Yes, sir.

Q Where did you come to? A Came to Fort Gibson.

Q That is the first place you recollect after you came from Texas, of being in Gibson? A Yes, sir.

Q Were you married then? A No, sir.

Q Have you lived in the Cherokee Nation ever since? A Well I have been out since that working around and about in places in the states.

Q Kansas? A No, sir, never been to Kansas.

Q Arkansas? A Yes, sir.

Q Where were you married? A Where was I married, I was married in Braggs.

Q Cherokee Nation? A Yes, sir.

Q When were you married? A Married about five or six years ago.

Q That was the first time you were lawfully married? A Yes, sir, I lived with a man and had the children but I wasn't married to him.

Q You lived with Stewart? A Yes, sir.

Q Where were you when you lived with Stewart? A Part of the time I was in the Cherokee Nation and part of the time I was in Fort Smith.

Q How may children did you have by Stewart? A All I got I got by him.

Q Please give me the names of them? A Joe.

Q Joe Stewart? A No, all of them goes by Moore.

Q Joe Moore? A Yes, sir.

Q How old is Joe? A I don't know, he is twenty something.

Q Where was he born? A Joe was born down at Uncle Billy Edwards.

Q Arkansas? A No, sir, Cherokee Nation.

Q What is the next one named? A Bob.

Q Where was Bob born? A He was born there too.

Q What is the next one? A Amelia.

Q Where was she born? A Down on Elk Creek.

Q Was that in Arkansas or the Cherokee Nation? A If it wasn't in the Cherokee Nation, it was close by, close by Checotah.

Q It might have been in the Creek Nation? A It might have been, I don't know.

Q What is the next one named? A Maggie.

Q Where was Maggie born? A She was born at Edwards.

Q That in the Cherokee Nation? A Yes, sir.

Q Same place Amelia was born? A No, sir.

Q What is the next one named? A Andrew.

Q Born in the Cherokee Nation? A Yes, sir.

Q All your children then were born in the Cherokee Nation, were they, except Amelia might have been born in the Creek Nation down there close to the line? A Yes, sir.

Q You been living in the Cherokee Nation ever since you took up with Stewart? A No, sir, I went in the states some.

Q Well, what state? A Worked around in Arkansas, in Fort Smith.

Q Were you married when you were over there? A No, sir.

Q You work in any other state besides Arkansas? A No, sir.

Q Work anywhere else in Arkansas besides Fort Smith? A To Van Buren.

Q Right along the line there? A Yes, sir.

Q Sometimes in the Cherokee Nation and sometimes over in Arkansas? A Yes, sir.

Q Is that as far as you have ever been out of the Cherokee Nation? A No, sir.

Q How much farther out did you go? A I went just about three days before Christmas, I went in Kansas City, this last [illegible]

Q How long did you stay there? A Stayed there a little over a month.

Q Work there? A No, sir, I wasn't working.

Q Visiting up there? A Yes, sir.

Q And then came back? A Yes, sir.

Q That the only time you ever were in Kansas? A Yes, sir, never was there in my life before.

Q How long were you in ~~Kkkkkkk~~ Oklahoma? A Never was there, don't know anything about Oklahoma.

Mr. J. S. Davenport, Cherokee attorney: Do you know to what point you went when you left the Territory during the war? A When I left the Territory I went down in Texas.

Q At whose place did you go to? A They hired me out when I went down there.

Q Don't you remember any one's name where you went? A They hired me to one man, I can't think of his name now to save my life, I am old and I can't remember things.

Q Who did you belong to now did you say? A I said I belonged to Jack Moore.

Q Well now where did Jack Moore live? A He lived down in Sequoyah district.

Q What kind of a house did he have? A He had a log house, hewed log house.

Q Who were you neighbors there, can you think of their names?

A There was a man lived close to us named Youngblood.

Q Anybody else you remember? A No, sir, I don't remember, I don't remember his given names.

Q Well you remember anything about John Gunter? A Well he might have been somewhere up there, I don't know, I forget.

Q You don't know what year you came back? A No, sir.

Q Now you lived on Elk Creek how long? A On Elk Creek, how long I lived on Elk Creek?

Q Yes? A I don't know, I lived there, I can't tell how long, I was just from one place to another.

Q When you came back to Elk Creek was there any railroad near there? A Any railroad there or not?

Q How long was it until you saw the railroad built near there?

A Well, I don't know, I will not tell it for the earth how long it was, because I can't tell you, I can't remember things like a young person.

Mr. W. W. Hastings, Cherokee attorney: I want to know where Jack Moore, your owner, lived in Sequoyah district, what part of the district, on what Creek.

Q What part, what Creek: I don't know: it was a branch we lived close by a branch.

Q Well, what was the name of that branch? A I forget the name of the place.

Q Jack Moore have a family? A Yes, sir.

Q What was his wife's name? A Nancy.

Q Was Jack a Cherokee himself? A Yes.

Q Was his wife a Cherokee? A Well I don't know that.

Q Did he have any children? A Well I believe, yes there was two boys.

Q What were their names? A One was named Bill I think

Q What was the other one named? A I can't think of the other one's name to save my life.

Q Was Bill or the other one the elder, which was the older of the two? A That is more than I can tell, I don't know which was the elder.

Q Were they good size boys at the beginning of the war? A Yes.

Q Almost grown? A They were good sized, I don't [illegible]

they were.

Q Were you living in the hills or in the prairie? A I was living kinder in the Hills like.

Q What was your nearest town at that time? A I never went to town nine, I don't know which was the nearest.

Q You never heard of any town? A I didn't say I never heard of any town.

Q Did you? A I don't know whether I did or not.

Q Was there any stores around there or anything around there? A I never went to any stores.

Q Do you know who had one? A No, sir, I don't know about the store part.

Q And this man Moore had a double log house did he, a hewed log house? A He had a log house, yes, sir.

Q Was it a double log house? A Yes, sir, I believe it was.

Q You have mentioned Mr. Youngblood, I want to know some of the others of your neighbors at that time? A I can't tell them, it has been so long and my head has been so confused I can't tell them.

Q You don't know any rivers or streams around there? A There was one river not so powerfully far.

Q Do you know in what direction it was? A It was this way (indicating)

Q Was it north or south or east or west of your place, the river? A Like here was the house and that would be the river, what would you call it?

Q I am asking you? A I can't tell you, I am showing you.

Q Now what sort of a farm did he have, big farm or little one? A Wasn't a very big farm.

Q Have any more slaves besides you? A Yes, sir.

Q What was their names? A Had an old man named Tom.

Q Tom what? A Named Tom.

Q Have any other name? A That is all the name he went by them.

Q That the only one he had? A Had one named Nancy.

Q Do you know of any other neighbor of Moore's except Youngblood? A No, I can't think of none right now.

Q Do you know of any town? A No, sir.

Q You can't think of any stream? A I told you where the river was.

Q How far from your place? A What, the river; I don't know how many miles it was out there.

Q Was it a short distance or a long one? A It was a tolerably long distance, not so very far.

Q Well, was it 15 miles? A No, sir, not quite 15.

Q Ten? A I don't know how far, I am not going to tell you how far the river was when I don't know.

Q I am trying to get you to tell the facts about it; I want a sufficient description of the place you lived before the war, we are disputing your ownership and I am trying to get you to testify as near as you can where you lived at? A Well, I lived in Sequoyah.

Q Now I want to know what part of Sequoyah district, if I can found out; want to know whether it was north or south, in what part of the district, east of west, or near some spring or some creek so we can locate you? A Well I can't call it, I don't know, you say east of west you want to know?

Q What part of the district, tell that in your way? A We lived out in that way (indicating) and I can't describe it exactly.

Q Did you ever see any of these witnesses of yours before the war? A Yes, sir.

Q Who did you ever see? A I seen all of them.

Q Down at your place? A They have been all around there.

Q Were they there at your place before the war? A Yes, sir, some

of them at the place where I lived, John Bladridge, I had met him at a dance once.

Q Before the war? A Yes, sir.

Q At whose house? A At his aunt's house.

Q What was her name? A Her name was, I forget her name, he can tell you.

Q How far was that from where you lived? A It was a good ways.

Q Twenty miles? A I don't know whether it was 20 miles or not.

Q How old do you say you are now? A I say I am fifty something, I never did know my age, that is what I said.

Q Who did you come back to the Nation with after the war? A Why I came back here in the Cherokee Nation with the Mays and Sanders and Mackeys.

Q You came to Fort Gibson first? A Yes, sir.

Q Was your mother with you? A No, sir.

Q Where did you take up with this man Stewart? A I found him down in the Choctaw Nation.

Q Was that before you came up here? A N , it was afterwards.

Q Then you went back to the Choctaw Nation after you came up here? A I went back a little while and stayed there.

Q Who went back with you? A Who went back with me; I forget now who did go back with me.

Q You met him down there then? A Yes.

Q Near what place? A Why we went to an old man's house by the name of John.

Q And you commenced living with him there, did you? A Well I took him.

Q And he came up with you then? A Well we came back again.

Q How long did you live with him there before you came back again? A Stayed down there a good little bit.

Q Eight or ten years? A No.

Q Five years? A Didn't stay that long.

Q About how long? A About two I reckon, however it might have been longer than that, I don't know just exactly how long.

Q Your oldest child was born down there was he? A No, he was born in the Cherokee Nation to,Uncle Peter Edwards.

Q Where is that Edwards place that these children you say were born?

Q It is over close to Fort Smith.

Q How far from Fort Smith? A Well, not far.

Q About how far? A Well, it is about three miles I reckon.

Q What direction from Fort Smith? A Back that way, they always called back that way north, it is about north.

Q Edwards a White man? A No, sir.

Q Col red man? A He was an Indian, mixed with negro.

Q What side of the river did he live on, do you know? A He lived on this side, on the north side of the river, same side his place was.

Q He farmed down there, did he? A No, he never had a farm, he was a doctor.

Q What sort of a house did he live in? A A little log house.

Q Did he have a family? A He had had a wife.

Q Didn't then? A No, sir.

Q Any children? A No, sir, no children.

Q Who were your neighbors around Edwards? A Why the closest neighbor we had there was an old lady by the name of Phoebe.

Q Phoebe what? A I don't know what her other name was, [illegible] Walker I think her name was.

Q You lived down there till six or eight children were born?

A No, I never had that many children.

Q Well, all put you? A Yes.

Q [illegible] that is the only neighbor you know? A No, I would [illegible] and come back there.

Q What did you do [illegible] A I [illegible]

cooking.

Q Who did you work for? A Anybody that wanted me.

Q Name somebody you worked for? A When I was out at Uncle Edwards I didn't do any work.

Q Didn't work for anybody in the Nation at all? A Not there I didn't.

Q Never had any house there of your own? A No, sir.

Q How far was Edwards from where you were born? A From where I was born; I don't know.

Q Were you ever back to the old home place since the war? A No I haven't been back there.

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Taking of testimony continued by stenographer Chas. von Weise.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 10th of July, 1901.

Commissioner.

Application of Winnie Mackey et al.

Continued from Stenographer Bruce G. Jones,

Muskogee, I.T. June 27th 1901.

POLLIE MEVINS called and sworn as a witness for the applicant:-

By Com'r F. S. Keesley-

Q What is your name? A. Pollie Mevins.
Q What is your age? A. 56.
Q What is your post office address? A. Fort Gibson.
Q Are you a recognized Cherokee freedman? A. Yes sir.
Q Do you know the applicant Winnie Mackey? A. Yes sir.
Q How long have you known her? A. Just the year, the first year peace was made.
Q Was she a slave during the war and before the war? A. She was with her owners when I went to hire her.
Q Where was she then? A. At Fort Gibson.
Q You went to hire her you say? A. Yes sir for Mrs Bowers where I was working at the hotel.
Q Who did you hire her from? A. The Negroes, they was her owners.
Q What year was that that you hired her? A. The first year that peace was made--peace was made in the summer and that was in the fall.
Q You dont know whether it was in '66 or not? A. That was in '66 when I hired it.
Q How long have you known her since? A. I have not seen her in a long time. She stayed there a month with me at the hotel and then we left her at, she was not much good around there and Mrs. Bowers let her go.
Q Where did she go then? A. I dont know, she was not a very good worker and I told Mrs. Bowers that she did not suit and she let her go.
Q Well dont you know where she went then? A. She hired out in town there.
Q When did you next see her after that? A. I never seen her any more for a good while.
Q Until now? A. Up here? Yes sir I seed her at Braggs when she married Maxwell Mackey.
Q You dont know where they lived before the war? A. No sir.

No Cross-(Witness remembering.)

Q Who were these people from whom you hired her? A. Negroes.
Q What were their first names? A. I dont know.
Q Was there a man and wife there, I mean a Mr. and a Mrs. Negro? A Yes sir.
Q Didn't you find out the first name of either of them? A. No sir, we [illegible] wanted some one to help with the kitchen and asked me to help [illegible] for home and found the Negroes that was coming around here and I went down into the town about these people were and hired this one.
Q Was the Mrs Negro you speak of Joe Bowers's wife? A. Yes sir.
Q You never saw this woman Winnie Mackey before that? A. No sir.
Q How old was she then? A. 12 or 14 years old.
Q You remembered that? A. Yes sir.
Q Not living with a man at that time? A. No sir.
Q Had no children then? A. No sir.
Q Was her mother there? A. I dont know I just went there and said I wanted to hire some one to work at the hotel and they said I could have a week for a good worker and she took me to Mrs. Bowers to

wanted to hire out and I took her, but she wasn't much good around there and Mrs. Reeves let her go.

By the Commission:

Q Were the Meeres Indians? A. Yes sir.

By Hastings-

Q What became of them? A. I dont know, they all scattered out.
Q Did you witness for this woman before the Keam Siftion Commission?
A No sir.
Q What are you doing up here? A. What are you doing up here yourself?
Q That is my business, you are a witness and I want you to tell me what you are doing up here? A. I came up here to look after my kin folks friends and acquaintances just as far as I know and no further. I am doing what is right and am telling the true fact as I know it.

Baxter Williams, called and sworn as a witness for applicant-

By Commission-

Q What is your name? A. Baxter Gaiwett or Williams.
Q How old are you? A. About in the 50's
Q What is your post office address? A. Eddy.
Q Are you a recognized Cherokee freedman? A. Yes sir.
Q Do you know this applicant? A. Yes sir.
Q How long have you known her? A It has been so long, I met her in Fort Gibson when she was a young girl and then she never had any children.
Q Did you see her in '97? A I didn't see her until I saw her in Gibson and then I never saw her any more until I saw her at this enrollment.
Q You never saw her between those times? A. No sir
Q Who did she belong to before the war? A. She said she belonged to the Meeres.
~~Q Were~~

By Hastings-

Q Was the war still going on when you first saw this girl? A. Yes sir
Q With whom was she living there? A. She was working out.
Q Who for? A. I dont know just who she said she was working out for.
Q You didn't see her owners yourself? A. No sir.
Q You saw her after she was freed did you? A. Yes sir, about that time.
Q You dont know what year it was? A. I dont know the year, but it was the time the war was going on just about time of peace.
Q Where did you meet her? A I saw her at Gibson at an enrollment-
I remember now I saw her there.
Q You met 2 or 3 times and you know they had been married several-
times at Gibson? A No sir I saw her at the Dawes Gibson court.

John Baldridge called and sworn as a witness for the applicant-

By Commission:

Q What is your name? A. John Baldridge.
Q How old are you? A. [illegible] years old. [illegible] and [illegible]

Q Born and bred in the same year? A. Yes sir.
Q Are you a recognized Cherokee freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. No sir these fellows knocked me off, only on election times they say I am all right.
Q When they want you to vote for them? A. Yes sir.
Q Do you know the applicant here? A. Yes sir.
Q When did you first know her? A. I got well acquainted with her in 88
Q Was she a slave? A. So said she was.
Q Do you know her to have been a slave? A. I say, so said, I dont know myself.
Q Was she taken out of the Cherokee Nation during the war? A. I dont know.
Q Where did you first see her after the war? A. In Fort Gibson in 88 and then I have seed her off and on in Sequoyah district 2 or 3 times
Q Was she married when you first saw her? A. No sir
Q Who was she with? A. Some Cherokees.
Q Do you know their names? A. Samuel the Mayfields.
Q Are you satisfied this is the same woman you saw there? A. Yes sir
Q You didn't know her father and mother? A. No sir.
Q Where does she live now? A. In Goweesoowee district near Sequoyah
Q Is she married now? A. Yes sir, she was married to Roswell Mackey.
Q Do you know her children? A. I know Rob and Joe and Maggy and one girl I dt remember
Q Was she ever married before she married Roswell Mackey? A. I don't know.
Q Is Roswell Mackey the father of these children? A. I dont know
Q Do you know Roswell Mackey? A. Yes sir.
Q Were they living together as husband and wife when you [illegible] knew them both? A. Yes sir.
Q You was in Fort Gibson in '66? A Yes sir from '63 and was discharged as a soldier right there.
Q Was you a United States soldier or a Rebel? A I was with the Union I was fighting them other fellows.

By Hastings-

Q And they made it pretty hot for you too didn't they? A. Yes sir some times.
Q You have been on a visit to Detroit Michigan haven't you? A Yes sir
Q You were with the United States that time too? A (No response.)
Q What did they give you that trip for up there? A. That is my business and it is your business to bend to these freedmens court and to ask things that is right.
Q Well that is what I am doing, now were you sent to the penitentiary up there? A. I went among nothing that isn't lawful, you has not got the constitution to ask that.
Q You refuse to answer that do you? A. Yes sir, I will answer every thing that you has a right to ask, but you has not got the constitution to ask that.
Q When did you come back from Detroit? A. I am here aint I?
Q Well how long have you been here this my days.
Q Well you say you and this applicant at Fort Gibson in '66? A Yes sir
Q What was she doing there? A. Just walking at the house where Sallie Lovins was staying.
Q What time of the year was that? A. Long in the morning
Q [illegible] any her company? A. No sir.
Q You did talking with her nothing else? A. I never spoke to her.
Q At what place in Sequoyah did you see this applicant? A. In Sallie Lovins.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIV. IZED TRIBES.
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ACTING CHAIRMAN.

Q Which one? A. They used to live on the road going to Fort Smith.
Q When didyou next see her? A. Off and on ever since.
Q Was didyou next see her? A. I can't give the day, week and year.
Q You never knew her to keep house in the Cherokee Nation didyou? A. Yes sir.
Q Where? A. Lenapah and Bragga.
Q How long ago was that? A. More than five years ago.
Q Was that the first time you ever know of her keeping house in the Cherokee Nation? A. Yes sir.

Applicant not found on the 1880 and 1896 rolls.

Kern Clifton roll examined and the name of the applicant found thereon as follows-
Page 133 No. 3312, Winnie Moore Illinois district.
Page 133 No. 3313 Andrew Moore, Illinois district.

By Com'r Needles,-

Mackey

Winnie Moore applies for herself and a son named Andrew Moore; they are not identified on the Mackey roll of 1880 or the census roll of 1896; they are identified on the Kern Clifton roll, the applicant being there found as Winnie Moore and her son as Andrew Moore; she avers that she was a slave of one Jack Moore and went to Texas and returned in 1866; she avers that she has four older children; she also avers that she is not married to one Mackey; she will be listed for enrollment as a Cherokee freedman on a descriptive card and the Commission will notify her by mail of its final decision in her case.

* * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the [illegible] of [illegible], 1901.

Stenographer.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of.....A. D. 1901.

Given under my hand this.....

day.....A. D. 1901.

.....

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the.....day of.....A.D.1901

.....

Subscribed and sworn to before me this.....day of.....A.D.1901.

.....

R

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NOTICE!

IN THE MATTER OF The application of Winnie Mackey for enrollment as a Cherokee Freedman:

Case No. F. D. 999

To Winnie Mackey Wagoner I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson I. T. Indian Territory, on the following dates, to-wit: Sept. 28th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 24th day of Sept. 1901.

L B Bell

Attorneys for the Cherokee Nation.

Supl.C.T.-S.Ceo.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WINNIE MACKEY as a Cherokee Freedman, introduced on the part of Cherokee Nation:

APPEARANCES:
Mr. L. B. Bell, of Counsel for Cherokee Nation.

Proof of service made and Applicant fails to appear, either by attorney or in person.

JOHN KEETON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. BELL: Give me your name? A John Keeton.
Q Your age? A 44.
Q Your post office? A Alma, Arkansas.
Q Well, Mr. Keeton, this is a case of Winnie Mackey she calls herself, called Winnie Moore or Steward, claiming to be a Cherokee Freedman, are you acquainted with her? A Yes, sir.
Q Where did you first know her? A In South Carolina.
Q When was that? A That was before the war, Civil War.
Q What was her name there? A Her name was Winnie.
Q How did you be come acquainted with her? A Well sir, the man that owned me was jailer at that time and I was staying there and she was put in jail there, a small girl.
Q How long did you stay in South Carolina after you saw her there? A I was small and so was she and I stayed until I was . A grown and free, until I come to Arkansas.
Q When did you go to Arkansas? A I have been here 42 years I think it is I have been here now.
Q Where did you stop? A I come to Van Buren, Arkansas.
Q Have you seen this Winnie Mackey since you come to Arkansas? A Yes, sir.
Q Where did you see her first? A Van Buren.
Q What was she doing there? A She was living there.
Q Did she have a family there? A Yes, sir.
Q Husband? A Yes, sir.
Q What was his name? A Steward Moore.
Q How long did you know Winnie Moore there? A I knowed them several years.
Q What became of her husband? A He went to Africa.
Q About when? A It had been about six years ago, there was a great crowd and he went with the crowd.
Q Was he living there before he started? A Yes, sir. She was there, he just turned about, sometimes up there and sometime down about Alma.
Q How long did she stay in Van Buren, do you know, after he left there? A I could not say positive just how long she stayed after he left; I lived down below, then.
Q You moved her from there soon after he left? A Yes, sir, and I haven't seen her since he left there.
Q Do you know when she left South Carolina? A No, sir, I don't recollect exactly, she come before I did from there.
Q Did you learn from her mother she left there before the war or after? A After the war.
Q She was in Van Buren when you got there? A Yes, sir.
Q [illegible] you don't know how long? A No, sir, I could not say how long.
Q [illegible] found [illegible] A [illegible] found

[illegible]

Sept. 3, [illegible]

Q You left Wanda there? A No.
Q She came first? A Yes, sir.
Q Then when did you see her after you came from South Carolina, where did you first see Wanda? A In Arkansas at Van Buren the first place I saw her after I came here.
Q How long was it from the time you saw her last in South Carolina until you saw her in Arkansas, at Van Buren? A I could not recollect.
Q Well, about how long? A I would not be positive about that.
Q Well, you ought to know about how long; you know how long you lived in South Carolina and how long you lived in Arkansas, approximate it as near as you could? A I had been out here I think about two years before I seen her, as near as I can get at it.
Q And how long had she been gone from South Carolina before you left South Carolina? A That's what I don't recollect now; not sir, she stopped, I think-
Q But I know you saw her in South Carolina and she left before you did? A Yes, sir.
Q Now, how long was it from the time you saw her in South Carolina the last time until you left South Carolina? A Several years, because she didn't live in the settlement.
Q And then you were here one years before you saw her? A Yes, sir.
Q Now, when you saw her did you recognize her as the same woman you saw in South Carolina? A Yes, sir, I talked with her/
Q Had she any more children than she had when you saw her last? A No, sir.
Q Same number of children? A Yes, sir.
Q Were her children living with her when you saw her at Van Buren? A Yes, sir.
Q Married? A Yes, sir.
Q Had her husband with her? A Yes, sir.
Q The same husband she had in South Carolina? A Yes, sir.
Q They were both there? A Yes, sir.
Q His name was Steward Rogers? A No, sir.
Q You didn't know Jack Rogers? A No, sir.
Q When you saw her at Van Buren was that after the war or before? A After the war.
Q Do you know where she was during the war? A She was in South Carolina.
Q In the [illegible]? A Yes, sir.
Q Were you there? A Yes, sir, I was freed there.
Q You say during the war? A Yes, sir.
Q She was freed there? A Yes, sir.
Q You didn't know her owner's name? A No, sir, I could not be positive about her owners.
Q Did you hear a man by the name of Mackey? A No, sir.
Q Do you know how Uncle came to be named Mackey?
A No, sir.
Q You don't know that Winnie Mackey is the same person you know in South Carolina as Winnie Mackey? A As I said a while ago I never heard her by that name.
Q You never heard of Uncle called Mackey there? A No, sir.
Q Did you [illegible] Mackey anywhere? A No, sir.
Q [illegible] of Command for Charleston Arsenal?
A No, sir.
Q Was she married in South Carolina? A She was married in South Carolina.
Q Was that before or after the war? A She was married before the war.
Q Did you see her there after the war? A Yes, sir.
Q [illegible] a number of years after the war? A Yes, sir, I saw her in Charleston sometimes at the country there, of course I [illegible]
Q How often did you see her in the [illegible] there in Charleston?

Expl. S.F. [illegible]

Neighborhood a number of years after the war.
Q About how many years, in your judgment? A I could not be positive about the number of years, I don't remember, and if I was to say.
Q Do you know that she has lived there for much of five years after the war? A Yes, sir, I guess more.
Q Well, were [illegible] you have mentioned been born there?
A Yes, sir.
CO. [illegible]: You lived there fifty or two years after the war did you? A Yes, sir.

ALBERT LATTIMER, being sworn by Commissioner Peadles, testified as follows on part of the Cherokee Nation:

MR. HELL: Give your name? A Albert Lattimer.
Q Age? A Well, I am about 50.
Q Post office? A Mena, Arkansas.
Q Mr. Lattimer, what is a case of one Winnie Mackey, by that name now, that claims to be a Cherokee freedman making application here with a lot of children, children named Moore she calls them; she is the wife of one Stewart Moore, or Moore Stewart, I don't know which? A Stewart Moore, I guess.
Q Are you acquainted with her? A Well, I have seen her of course since I come to this State.
Q Where did you come from to Arkansas? A From South Carolina.
Q How long ago? A I come here in '97.
Q Are you acquainted with her in the State of South Carolina?
A No, sir, I wasn't.
Q Where did you first see this Winnie Moore or Mackey?
A Well, I saw her at Van Buren.
Q Van Buren, Arkansas? A Yes, sir.
Q About when? A Well, it had been ten years ago, about.
Q About ten years ago? A Yes, sir.
Q What was she doing there? A Well, she was just staying there in the town at that time; I could not tell you what her occupation was, she was just staying there at that time.
Q Did she have her husband? A Yes, sir, he was at her house one time.
Q Was she staying there? A Yes, sir.
Q Did she have any family? A Yes, sir, she had some children with her.
Q Have any husband? A Yes, sir, her husband was there.
Q What was her husband's name? A Stewart Moore was his name.
Q Was he a freedman? A Yes, sir.
Q Do you know just where Stewart Moore? A Went to Africa.
Q About how long ago? A Well, you may say a whole lot left North in '98, he went as I did remember; I think it was in '95.
Q How long did you know that woman in Van Buren? A Well, I think I knowed her there. Well I never seen her in there but about twice and I come from the old country and stopped there a few days and I left there and went to Dirn, Arkansas, that is which you know, Q Did you see her down for about while staying around Van Buren? A Well, did you ever see her there about the time her husband left, R Did her there after that.
Q She was still there with her family with her husband gone?
A Yes, sir.
Q Did you ever have any talk with her about where she came from to Van Buren? A No, sir, I have not; no, sir.
Q Do you know she came from the same part of South Carolina you did.
A Yes, sir, in the same [illegible] I suppose in Anderson County.

MR. HASTINGS: Did you ever talk to her about South Carolina at all? A No, sir, of course I never knew her back there at all.
COM'R NEEDLES: All you know about this is you saw her there at Van Buren? A Yes, sir.
Q and her children? A Yes, sir.
Q You don't know whether she was ever a slave or not?
A No, sir, I don't know.
Q Don't know who she belonged to if she was a slave? A No, sir.
Q You never got acquainted with them until you came to Van Buren?
A No, sir.

LAURA LATTIMER, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:
MR. BELL: Your name? A Laura Lattimer.
Q Age? A 48.
Q Your post office? A Alma.
Q Mrs. Lattimer we have got a case up here of Winnie Mackey, or Winnie Moore, or Winnie Steward, who claims to be a Cherokee Freedman and having been living in the Cherokee Nation; do you know any woman of that name? A Yes, sir, Winnie Moore, the woman's name is winnie Moore.
Q How long have you known her? A Well, it has been about eight or ten years I guess; I know the first I seen of her she was in Van Vuren.
Q When did you first see her and where? A In Ban Buren.
Q In Van Buren about eight or ten years ago? A Yes, sir.
Q What was she doing there? A She was living there.
Q Have any family? A Yes, sir.
Q What was her family? A Melia and Maggie and Joe and Bob and there is another one I didn't get acquainted with him at all; I have seen the other one.
Q Did she have a husband? A Well, at that time she had a husband, it wasn't living together exactly at that time.
Q What was his name? A Steward Moore.
Q Was she keeping house there? A Yes, sir.
Q How long did you know her after that? A After that he went off to Africa and I never seen her; she come to my house about a year, first seen her to my house on a visit and I never seen her any more, and after he went off I heard she went off; afterwards I heard she was in the Nation.
Q You saw her after her husband went to Africa? A No, sir.
Q You say she come to your house after you lived at Van Buren?
A Yes, sir.
Q Where were you living? A At Dira Ar kansas.
Q How far is that below Van Buren? A Ten miles below Van Buren.
Q You are the wife of this Albert Lattimer? A Yes, sir.
Q Did you and he come from South Carolina together?
A Yes, sir, we was married and he come in the fall before me and I come in the January following.
Q You joined him then at Van Buren, or where? A We was married in South Carolina.
Q He come out here ahead of you and got a place? A Yes, sir.
A And you come on afterwards and joined him at van Buren?
A No, sir, at Dira Station, me and my family.
COM'R NEEDLES: Do you know whether this woman was married after Moore went to Africa? A I heard it.
Q How long did she live in Van Buren before Moore went to Africa? A No, sir, I knew she went to Wagoner somewhere.
Q Did you know Steward Moore? A Yes, sir.
Q Was he a colored man? A Yes, sir.
Q Do you know a man by the name of Jack Moore? A No, sir.
Q Do you know whether Winnie Moore was a slave or not?
A No, sir, I don't know at all.

DEPARTMENT OF THE
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Supl.C.F.D.#999.--8.

M. HOFFMAN: Did you ever have any talk with her about where she came from? I did never knew her until came to Van Buren. I have heard she came from the old country.
Q You never talked to her about her being from South Carolina?
A No, sir.

This testimony will be filed in the following cases: D.#977, Robert Moore, D.#978, Amelia Brown; D.#982, Maggie Doty; D.#984, Joseph Moore.

---oooOOOooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossen

Subscribed and sworn to before me this October 5th, 1901.

Commissioner.

To be filed with F-D-889, Eva E. Anderson.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. May 27, 1902.

In the matter of the application of William H. Robinson for enrollment as Cherokee Freedman.

SUPPLEMENTAL TO D)674.

APPEARANCES:
Mellette & Smith for applicant
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced by the Cherokee Nation in the case of Freedman Doubtful 818, as well as in the case of Freedman Doubtful 200, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects because the saidtestimony now offered was not taken under any rule of this Commission with reference to notice to the applicant or opportunity for cross-examination. The applicant further objects because the same is not the best evidence, because it is incompetent in the manner and form offered.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: Martha M. Hill, D-1018, Eva E. Anderson, D-889, Melvina Martin, D-887, Tobe Robinson, D-686, Josie A. Slaughter, D-687, in addition to the case at bar, being that of William H. Robinson, D-674; also in the case of J. W. Robinson, D-695. The applicants in the above named cases are represented by Mellette & Smith.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Groninger.

Subscribed and sworn to before me this 7th day of July, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, the undersigned, being first duly sworn, as stenographer to the Commission to the Five Civilized Tribes, do hereby swear that I made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Frances J. Pitchfork

Subscribed and sworn to before me this 6th day of August, 1902.

Bryant Jones
Notary Public.

Supl. C. D. #818. Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1903, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you knew in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.

Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thoughtwhere he lives, I have saw him ever since I have been here. I dont think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson,

Stenographer.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, may I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack Mobain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you know in being sheriff and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other men with him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old one I know.
Q And you talked with the three? A Yes, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.

Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Fyden? A No, I don't know for certain. I heard he lived on Big Creek. I don't know thoughwhere he lives. I have saw him ever since I have been here. I dont think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and correct transcript of my stenographic notes thereof.

(Signed) J. O. Bosson,

Stenographer.

F. D. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 29, 1908.

In the matter of the application of Edward Wright for a enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1908 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Books of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright
vs
Cherokee Nation. {Ex. 7th of June. {Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation. {Ex. June 7th. Statement file on the 26 of June. 1st July set, 1st Aug. set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 184 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim respecting the requirement of the commission.

Claimant claims citizenship by virtue of his father, who was a citizen and resident of the Nation at the time

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and stated above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the number of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work, his circumstances and the condition of the country at that time prevented his leaving his family in the interval of time that they must subsist without direct care and exposure and until a removal at that was practicable upon removal of claimants finally was accomplished to the point of the Nation settled by claimants for himself and his name in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents this to the important examination of this Commission on his authorized so to do by law.

This June 26, 1872.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire,
June 26, 1872. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled "Register of evidence before Court of Commission Chambers Court, Book A." Page 210, case No. 80, as follows:

"Case 80.

Lewis Whitmire
vs
Cherokee Nation.

Tahlequah,
July 3, 1872.

Witness sworn for claimant testified and stated:

I am, I think I am about [illegible] years old. I live [illegible] Nation. I [illegible] the [illegible] but had my rights [illegible]

As a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - first or 2and, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Sept. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Verdigris River about the last of January. Much I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party came with the Whitmires piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tom Sanders.

The Whitmire brothers were Aaron, Lewis, Wade, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of locating here on. When I moved with my family I stopped on Fayette Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Forcked Delegation. They say some were come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country, it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Shady Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not at home. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me he could read.

I do not know myself that it was the month of Aug. when I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire
vs
Cherokee Nation.

August 1, 1878.
Before Alberty, witness for claimant,
called and sworn.

I reside in Coweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coweescoowee District, in 1866.

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virginia. While out there I fell in with a party of seven or eight persons who were camped with others near Sac Crouches. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson's, George Whitmire, Aaron, Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I know anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and take him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this fro, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Mariana Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Chola Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Vinnington Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Helge, Bill Foreman, Buck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was member of family in 1866 when we came on from Kansas. My family died at Fort Scott. Melissa Hatliff, Ed Wright, and my wife are myself composed my family. Louis had no family. Aaron and Nelson did. Major, Ben, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when he died in 1868. Elisha Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Helge and the families of those who had families all came as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Hatliff was owned by one Alex Hatliff at breaking out of war. She first came in March 1867. Jack Langham was alive in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 55 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Aaron Whitmire,
mark.

Case 63.

Aaron Whitmire & family }
vs } Claiming citizenship.
Cherokee Nation. }

Now comes claimant by Atty before the commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as authorized under privilege of the fifth specification of the clause of claims preferred by law to this commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Gen. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitmire,

By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coowescoowee, C. N. As a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Hoige, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but idd not recollect anything about hem. They were travelling. They stated they were coming from Fort Scott, Kans. they were travelling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. Nelson gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned John Rohenald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of. It was pretty cold weather when I crossed them. It was as near as I can recollect about the first of October, 1866. I am positive it was before Christmas as I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I am not acquainted with the claimant nor any of the others except previous to the war.

I did not know the school house before the war. I do not know whether they had lived on the Patch previous to the war. I do not recollect of seeing any of his families of the Patches house at the time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them. But did not become particularly acquainted with their names at that time. I think there was one woman with the party. I think she was little Sam Webber's mother though I would not be right positive that there was a woman along or not. I was positive there was no children as I never saw any. They had camped there long enough that were they any women and children I would have seen them. The first time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 3 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time. I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I dressed in the country at that time was short.

William Martin.

Aaron Whitmire
Vs
Cherokee Nation.

July 4th 1872.

Wm McCracken for Claimant.

Witness was [illegible] name was Robt Gibson in Novr. or Decr. 1866. Met him at the ferry on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake to the former home in the Nation and [illegible] brothers were behind on the road.

Witness is a citizen of this nation and knew claimant before the war.

Attest:
D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Stuford Alberty.

George Whitmire before the war lived in Going Snake dist. This dist. borders on the line of the state of Ark.

Claimant now resides near the western line of the Cherokee Nation. The settlement among the Cherokees where claimant now resides. I would say the distance from the place where claimant resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a [illegible] residence is 90 or miles. Witness states that he had a [illegible] residence is 90 or [illegible] mother assisted as a [illegible] when he had [illegible] advised [illegible] their freedom [illegible] the country.

[illegible] until matters were more [illegible] [illegible] was in the fall of [illegible] [illegible] in the spring of 1867. I saw [illegible] [illegible] 1867 on Big Creek or [illegible] in the Nation.

[illegible] mentioned above. In Oct. or Nov. 1866 I [illegible] and other colored men [illegible] in that neighborhood [illegible] Louis Williams [illegible] I [illegible] to go on his old [illegible] Williams at [illegible] colored, some [illegible] adding [illegible] and good [illegible] colored party and settled on Big Creek afterwards in the neighborhood [illegible] time of selecting their colored party said they had selected and are now the homes of the party above indicated.

[illegible] John Riley [illegible] colored party. A [illegible] for the [illegible] Washington. There were parties [illegible] at the time they made prospecting [illegible] by witness and it was not [illegible] party [illegible] of above was composed [illegible] one colored man. I am the sole survivor [illegible] and possibly one other.

[illegible] I travelled a good [illegible]

Continued on page 163.

[illegible] July [illegible] 1899.

[illegible] Nation.

John Riley.

[illegible] Sworn to before me [illegible] I live in [illegible] there is snow and there continues [illegible] in the month of [illegible] I came back in the month of [illegible] I came back in the month of March [illegible] to live in the month of March [illegible] Billy Williams, Wade [illegible] Sandy, Ben Jacobs, [illegible] Williams and others that I don't recollect. [illegible] in 1867 on an old place of Aaron [illegible] and moved to other place before [illegible]

Were married.

I don't recall any colored women of Tennessee coming in to the [illegible] in the month of [illegible] to Lincoln County [illegible] for that purpose. I know where Aaron [illegible] at that time. I was near Sandy's [illegible] a house [illegible] on the east side of the river. Hadmond lived one [illegible] on the east side of the river. If any [illegible] came [illegible] I never heard of [illegible] in the part of the country in which I [illegible] who came down in Sept. 1866. Many Indians [illegible] Colbert [illegible] Choctaw [illegible] Donald [illegible] Mr. I know [illegible] Marshall near Lynchburg [illegible] I know [illegible] I [illegible] in Lincoln County [illegible] I could [illegible]

Joseph Riley.

[illegible] (Seal)

About the [illegible] of [illegible] I first saw this party with their [illegible] Claimant and others of this Colored party [illegible] in March 1867 to the Nation.

I [illegible] of this colored party [illegible] and a few remained. I was [illegible] people in 1866. It was witness' [illegible] convention was to ratify [illegible] convention was to [illegible] under the Treaty and to ratify [illegible] 8th of Aug. 1866 is my [illegible] July 10, 1866.

Witness was with Chain the war. J. S. Jones was not at the time herein mentioned U. S. Agent but was Delegate and was Agent afterwards.

Attest: S. F. Alberty.

W. L. Hamblen,
Clerk.

Aaron Philpire
vs.
Cherokee Nation.

Within Cherokee Nation.

This day comes John F. Lyons Atty for Cherokee Nation and in the above entitled case, and the allegations of claimant contained in the above petition.

John F. Lyons,
Atty for C. N.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereon.

(Signed) Arthur G. Groninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(Seal.) (Signed) P. O. Foster,

Notary Public.

[illegible] Commission to the [illegible] that the record and foregoing [illegible] on file with the

[illegible]

[illegible] day and date of aforesaid.

Bruce E. Jones
Notary Public.

[illegible]

Q How far did Mr. Mayfield live from you after you saw him in '69?
A About five miles.
Q Did he stay there? A Yes, sir, rented a place across the river and lived on the place he rented.
Q Did you know where he came from where you first saw him? A I just supposed he was from up there in Kansas.
Q Tell all the circumstances, what you know about seeing him?
A He came down the road from Kansas, that direction, and he camped there, there is where I got acquainted with him.
Q Was he married? A Yes, sir.
Q Have his folks with him? A Was his family, this woman as lived as Mayfield's wife.
Q That is the first time you saw him in the Cherokee Nation?
A Yes, sir, the first time I saw him.
Q Is there anything that makes you positive about fixing the date in 1869? A No more than this; I had been trading with some government wagons, that is the men that was driving the wagons, selling some hay, the day he come there, and I got my pay for that two or three days afterwards, on the 20th I believe, February, 1866.
Q You mean 1866? A 1869.
Q Did you preserve any letter or document which shows that date when you received the pay for the hay? A Yes, sir, I have a paper that shows the date exactly, but I didn't preserve it at that time, I filed it away with all the papers I have, and I didn't think of it in this other case heretofore.
Q And you have that with you? A Yes, sir.
Q And that date does it show? A It shows I received my money on the 20th, that is my check.
Q On what month? A February, 1869.
Q You were pretty well acquainted in the neighborhood in '69?
A Yes, sir.
Q Had you been the two years previous? A Yes, sir.
Q Did you know any of the colored people who were in the crowd with Thomas Mayfield? A I did Jack Sean, I knew him.
Q Had you know him before the war? A Yes, sir, I know him before the war.
Q Did you have any talk with him at that time? A Yes, sir, his wife was a servant of my wife's father, and they learned that we were there on the road and they came there and visited us, is how come me to know what I do of these circumstances.
Mr. Smith: Mr. West, you hadn't been acquainted with Thomas Mayfield before the war? A No, sir.
Q The time you speak of is the first time you ever saw him?
A Yes, sir, the first time I saw him.

Q You don't know how long he had been in the Cherokee Nation when you saw him? A No, sir.
Q You don't know whether he had his family with him at that time or not? A No, sir, He had a family but I don't know whethere they were his or not.
Q When did you say you came back to the Cherokee Nation after the war? A I left Red River February 1st, 1866.
Q Where did you go to? A I went on up to Fort Scott, right direct through the country, to where my mother lived on this side of Fort Scott, Dayton.
Q How long did you stay there? A Till about the first or middle of May.
Q In what year? A 1866.
Q From where did you go? A I came down to Neosho, in the Cherokee Nation, and there set up my tent and went to trading and trafficing with the laborers along the road.

Q How long did you continue in that business? A I continued off and on the season through.
A How long was the season? A From the time I went there till fall.
Q From May until the fall? A Yes, sir.
Q And where did you go from there? A I went lower down on the military road where I was stationed, where I first saw Thomas Mayfield, and I built a house.
Q You built your house then in the fall of 1868? A Part of it, not all of it.
Q When did you build the rest of it? A In 1867.
Q How long after the time you saw Thomas Mayfield was it before you were called upon to remember anything about having seen Thomas Mayfield on that occasion; how many years? A It was during this Kern-Clifton examination.
Q Now you saw him, Thomas Mayfield, you say, in 1868? A Yes, sir.
Q When was the Kern-Clifton Commission? A I am not positive, '65 or '66; not '65, '66 when it was I believe.
Q In 1896 was it? A It seems to me, I am not positive.

Q Then that was about 28 years wasn't it, from the time you had seen Thomas Mayfield? A Yes, sir, from the time I first saw him, but I saw him off and on all the time after I got acquainted with him.
Q You have stated you had no occasion to remember the fact that you saw him upon this particular date in '68 until the meeting of the Kern-Clifton Court? A Yes, that drew my attention to it.
Q That was about 28 years afterwards? A Somewhere along there I guess.
Q Mr. West, did you remember for 28 years without ever having had any occasion to have your attention called to it, that you saw him upon a certain day that you got a letter or pay for the hay, or whatever it was? A Now as far as that is concerned, it is like this talking when they come in, and it was common
Q Just answer that question? A That is the one particular time.
Q So 28 years afterwards you were able to remember that you had seen Thomas Mayfield about the time you got a letter or receipt for some hay or something that you had sold, is that right? A Yes, sir, somewhere along there.
Q Well now Mr. West, what connection was there between Thomas Mayfield and the hay, that you can go back 28 years and remember and fix that date that you saw Thomas Mayfield by the letter which you are now talking about? A I had the transaction as I told you with these government teams, selling them hay, and the very day that he came there, the same day, that is the reason why I know it was the same time.
Q Did you have but one transaction with the Government men? A I had them often, but not as much as that was.
Q How many times have you had transactions with the Government teams about hay? A Two or three different times.
Q Or three or four or half a dozen? A No, not that many.
Q More than three or four? A Not over three or four.
Q How can you go back 28 years and tell which one of these transactions [illegible] hay, and comment that particular transaction or any [illegible] Mayfield 28 years after? A Simply I got a paper [illegible] that date.
Q [illegible] anything about Thomas Mayfield? A No, sir, [illegible] because of my knowledge.
Q You [illegible] anything about Thomas Mayfield? A No, sir.

Q You can go back 38 years and connect Thomas Mayfield with that particular transaction, how do you do that? A Simply I had that transaction at that time.
Q Were there not other transactions? A Yes, sir, but not so great as that was.
Q It couldn't have been some other transaction you had with the Government when you saw Thomas Mayfield? A It might have been some other, but it wasn't, that is all there is about that part of it.
Q Are you able to remember it was this particular transaction?
A Yes, sir.
Q Have you got that letter? A Yes, sir, it is just a receipt (hands Mr. Smith paper.)
Q (Returning paper) Mr. West, all that you claim about the paper about which you have spoken is that it carries that date by which you fix the time? A Yes, sir, it carries it, nearabout it.
Q Did you have that paper; were you a witness before the Kern-Clifton Commission? A Yes, sir, I was.
Q Did you have that paper then? A Yes, sir.
Q When did you hunt that paper up? A I hunted it up during the Court time.
Q Were you subpoenaed as a witness during that Court? A Yes, sir.
Q When did you hunt the paper up, before or after you were subpoenaed?
A I hunted it up after I was subpoenaed, I didn't have occasion to hunt it up before.
Q You testified, I believe you stated, before the Kern-Clifton Commission? A Yes, sir.
Q Mr. West, you don't know where this man was in '66 do you?
A Not till that date, not before that date.
Q I say you don't know then where he was in '66 or at any time prior to '66? A Only that day of '66 when he passed my house.
Q He passed your house in '66 did he? A In '69 I meant, that is the first time; in '66 I don't know where he was, or any time before '69.

J. L. Thompson, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A J. L. Thompson.
Q What is your age? A 62.
Q What is your post office? A Vinita.
Q Do you know the applicant, Thomas Mayfield, the colored man there?
A Yes, sir.
Q How long have you known him? A Well; I have to kinder study and tell you.
Q Did you know him before the war? A No, sir.
Q You have only known him since the war? A Yes, sir.
Q Where did you go during the war? A Went to Texas.
Q When did you return to the Cherokee Nation after the war?
A I came to Fort Gibson in December, 1867, and Cabin Creek January, 1868.
Q Well, where did you first locate up in this country, up near Vinita? A Right where I live now, but I didn't own the place then, I only rented it that season.
Q You have lived there ever since 1868? A No, sir, I moved away from there and moved back again.
Q You have lived in the same neighborhood ever since? A Yes, most always.
Q How far does Mr. Mayfield live from you, the applicant? A Where he lives now, just about five or six miles I reckon.

Q When did you first see Mr. Mayfield after the war? A Well, it must have been, to the best of my recollection, about '69 I reckon it was, I am pretty positive it was, to the best of my recollection.
Q Was he up there in that neighborhood when he first returned?
A No, sir, never heard of him.
Q Was there an investigation by the Supreme Court about five years after the war with reference to the return of colored people in the Cherokee Nation? A I don't remember.
Mr. Smith: I object to that as not being apparently the best evidence of the fact.
Q How far has Mayfield lived from you since you saw him in '69?
A He lives about [illegible] as he ever did.
Q Lives in the same neighborhood there? A Yes, sir, he lived right in the same neighborhood there, probably five or six miles from where he first settled.
Q You didn't know Mayfield before the war? A No, sir.
Mr. Smith: What time did you say it was, Mr. Thompson, when you came back to the Cherokee Nation after the war? A I said I came to Fort Gibson in December, 1867, I came to Cabin Creek in January, 1868.
Q In January, 1868? A Yes, sir.
Q You didn't know Thomas Mayfield before the war? A No, sir.
Q You don't know where he was in 1868? A No, sir.
Q You don't know whether he was in that neighborhood that you went to when you went up there or not? A If he was there I never heard of him, he might have been, so far as I know, but if he was I know I never heard of him.
Q He might have been there though? A He might have been, but I knew most of the darkies in the neighborhood.
Q You can't state he wasn't in that neighborhood when you went there?
A No, sir.
Mr. Hastings: You never saw him? A I never saw him.
Q You were well acquainted throughout the neighborhood? A Yes, sir, I lived there before the war.
Q You were acquainted with it before the war? A Yes, sir.
Q Was it thickly settled or thinly settled? A It was sparcely settled.
Q You knew people from a distance? A Yes, sir.
Mr. Smith: You didn't go around as soon as you got her and found out who was in that country? A No, sir, it wasn't my business.
Q And a man might have been here a year or two before you saw him?
A I don't believe he would have been in the neighborhood, I don't believe that long.
Q You don't know so, but you don't know he couldn't have been?
A Of course it wasn't my business to run around and hunt them up.
Q But you can't say whether Mayfield was there when you came h there or not? A I can't positively say he wasn't there, but if he was I didn't see him.

E. L. Martin, being first duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A E. L. Martin.
Q What is your age? A [illegible]
Q What is your post office? A Pensacola.
Q That was your father, I mean - A Jackson L. Martin.
Q Do you know the applicant, Thomas Mayfield? A Yes, I think I do.
Q Did you go out of the Nation during the war? A Yes, sir.
Q When did you come back to the Nation after the war?

A November, '66.
Q Where did you go to? A Went to Texas.
Q Come back with your father? A Yes, sir.
Q Where did you first locate after the war? A We located at our old place, called Greenbrier, on Grand River.
Q Did you know Tom Mayfield before the war? A No.
Q Did you know him after the war? A Yes, I knew him after the war.
Q Do you know when Tom returned to the Cherokee Nation? A No.
Q When was the first time you ever saw him after the war? A The first time I ever saw him to know him was about '69.
Q How far did he locate from you? A About two miles and a half; well I wasn't living there in '69, that is there I live now.
Q How far were you from him when he located there in '69? A I don't know really, I was at my old place I guess down about ten miles.
Q How far were you from where you located in '66? Were you at your old place then? A Yes, in November, '66, about ten miles.
Q You were at the same place in November, '66 and in November, '69 also? A Yes, I made that my home although I did not stay there all the time, I was about from one place to another.
Mr. Smith: You were unmarried at that time? A Yes, sir
Q A young man living with your father, and made that your headquarters? A Yes, sir.
Q Where didyou spend most of the time? A I was here andthere and in Texas and back and forward and on the road a great deal.
Q Thore part of the time and Texas part of the time and here and there? A Yes, sir.
Q Then that place you speak of was about ten miles from where Mayfield went to live, was it? A Yes, that is where my father lived.
Q At that time you didn't have a home, stayed with your father? A I didn't have any certain place only at father's.
Q About what age were you then? A About 18 or 19.
Q When was it you first saw Thomas Mayfield? A The first time I remember seeing him I think was about '69. he was running a ferry.
Q And you are not right certain about its being '69? A Well, yes I am pretty certain it was '69 the first time I saw him to know him; if I saw him before I dodn't know him.
Q Might that not have been '68? A Well, I don't know as it was, I think it was '69.
Q But you are not positive about it? A No, I will not be positive, it has been so long ago.
Q Well you didn't go back to your father's place at all until in November, 1866? A That is as early as I came there.
Q How long didyou then stay at your father's place after you came back before you went away anywhere? A We were there all winter.
Q Then did you go back to Texas? A No, the next summer I was there and Pryor Creek, and most of the spring and summer.
Q But your father's place was ten miles at least from where Mayfield lived when you became acquainted with him? A Yes, sir.
Q How long was it then before you had a place of your own, and went to living there regularly? A In '72 I moved there in about two miles and a half of him.
Q You have been living in about two and a half miles of him ever since '72? A Yes, sir; that is, until he moved away, he moved away from the place he was living on that seven or eight years ago.
Q You saw him from time to time until the time you became acquainted with him when you would be in the Cherokee Nation? Yes, sir, after I got acquainted with him I saw him often.

Q You of course don't pretend to say he hadn't been living up at a place ten miles away from your place when you became acquainted with him? A No, I don't know how long he was living here at all, only when I first saw him.

Lucien B. Bell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Lucien B. Bell.
Q What is your age? A 63, about.
Q What is your post office? A Vinita.
Q Do you know the applicant Thomas Mayfield? A Yes, sir.
Q He is present here is he? A Yes, sir. that is him right behind Smith.
Q Are you citizen of he Cheroke Nation by blood? A Yes, sir.
Q You go out of the Heroke Nation during he war? A Yes, sir.
Q What time didyou return to the Cheroke Nation after the war?
A Well, I cam back in the neighborhood of where I settled, right in a mile of where I located, in the latter part of 1867; I came into the Cherokee Nation along in May, 1867, stopped ten miles below there, or twelve, and made a little crop; I located right on Cabin Creek near the military road where it crosses it, on the south side.
Q How far was this from where Mayfield afterwards located, the applicant, Mayfield? A Well, I guess it was three, two or three miles, something like that, three and a half.
Q How long dd you live at that place? A Well, if you count me living here now, I have been living here thirty odd years.
Q You own the place now? A I have sold some part of he claim off, but I have got my farm on the same claim.
Q You are familiar with that country? A Yes, I am pretty well acquainted with it, more so than that latterly; latterly I have been away from there a good deal.
Q You lived on that farm then at that time? A Yes, sir, I lived right on the same spot from 1867 to 1881, and then I moved about three quarters of a mile to another part of it.
Q When was the first time you ever saw Thomas Mayfield? A Well, I saw Tom Mayfield about two years after I returned, was the first time I saw him, about 1869.
Q Were you familiar with the place where he located, this section of the country and all? A Yes, I saw him on the other side of the Grand River sorter opposite the mouth of Cabin Creek; he lived there; I don't know whether he was living on his own place or not, probably it was the Bill Hicks place where I saw him first; that is all in the same neighborhood.

Mr. Smith: He was living there when you did see him? A Oh yes he was living there; he wasn't dead.
Q He hadn't just come there had he? A I can't say as to that, I know about when he first came, about when I first saw him; I know when the people around there said he come in.
Q I am asking you about your own personal knowledge? A I told you that is the first place I saw him, I don't recollect whether he said to me he had just come or whether he had been there, I don't recollect thi we talked about that; I had known him some years before that.
Q You have already answered my question. A Well that is enough.
Q Are you the chief counsel of the Cheroke Nation in these Proceed-

ings in the matter of the enrollment of the Freedmen before this Commission? A. Yes, sir.
Mr. Hastings: Is there anything else you desire to state with reference to Mayfield's return? A. No, I don't know that I know of anything further than what I have stated about him, of my personal knowledge.

Mr. Hastings: We desire to have that testimony thrown in the case of
Charles Mayfield, et al, Freedman D-202, and
Malinda Martin et al, Freedman D-206.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 22nd of June, 1901.

(Signed) T. B. Needles.

Commissioner.

F. D. 200.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 15, 1902.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

Cherokee Nation represented by W. F. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the attorneys for the applicant, Mellette & Smith, Vinita, Indian Territory, that it would, at the offices of the Commission at Muskogee, Indian Territory, on the 15th day of May, 1902, introduce testimony tending to disprove the right of the said Thomas Mayfield to be enrolled as a Cherokee Freedman. The applicant and his attorneys have this day, to wit the 15th day of May, 1902, been called, and fail to respond either in person or by attorney.

GEORGE A. CAMPBELL, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. George A. Campbell.

Q What is your age? A 55 years old.
Q What is your postoffice? A Garnett, Kansas, Anderson County.
Q How long have you been a resident of Garnett, Kansas? A I have been there 41, 47 some odd years, came there in '56.
Q Did you live there for the first few years after the war? A Yes, sir, right after the war I was there always.
Q Did you live there in '66 and '7 and '8? A Yes, sir.
Q Did you know A col red man by the name of Thomas Hayfield? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was his wife's name? A Her name was Nicie, she used to wash for my mother.
Q When did you first learn to know them? A Well just right away after the war; I don't know whether it was '65 or '7, '67, well '66 or '67 and '8 they lived on our place, I think they had a lease for three years and I believe they took that lease in '65.
Q Well do you know where they were in '66 and '7 and '8? A Yes, sir.
Q Where were they? A They were there on my father's place.
Q Well when did they leave there? A They left there in the winter or fall of '68 is my recollection.
Q Do you know whether they made a crop there in the year of '68? A Yes, sir, I plowed right with them.
Q Plowed right with them? A Yes, sir, right in the same field.
Q In the same field? A Yes, sir.
Q Did they claim to be Cherokee darkies? A Well I believe they did.
Q Do you know where they said they wer going when they left there?
A They said they were going to the Nation.
Q You say you plowed in the same field with them? A Same field with him, they had a lease on my father's place, and he bought their crop that fall after they made it.
Q What fall? A Well '68, I married in '68 is the reason I know this, and that woman washed for my mother, and my father was probate judge, and he left everything to me, the reason I recollect all these things, and I didn't know nothing about farming, never had done any farming in my life, and I would go over to him and ask what I should do the next day, and what I should have done and so on.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 19th day of May, 1902.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

F. D-200.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book labeled "Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871," from Saline District, the following:

"No. 80. Thomas Mayfield.
Decided against defendant June 8, 1871."

MR. SMITH: Counsel for applicant objects to the introduction of the matter offered for the reason that it is incompetent, irrelevant and immaterial, and because the matter offered is not proven to be a judgment rendered against anybody, and because it is insufficient to prove any issue in this case, and because it does not tend to prove any issue in this cause, and because the same is not competent to be offered before this Commission in evidence in the form sought to offer it, and because the Thomas Mayfield mentioned therein is in no way shown to be identical with the applicant in the above entitled application.

W. W. Hastings, being first duly sworn, testified as follows:

My name is W. W. Hastings; I am one of he representatives of the Cherokee Nation. This book was given me as coming from the Executive Department of the Cherokee Nation, where the records of the Supreme Court, as well as citizenship courts, are kept, and this book is part of the records of the Executive Department of the Cherokee Nation, and at the present time in my keeping as one of the representatives of he Cherokee Nation.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 24th day of May, 1902.

(SEAL) (Signed) W. C. Reuter.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

APPEARANCES:
Mellette & Smith for applicant,
Cherokee Nation by W. W. Hastings.

J. M. JOHNSON, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. M. Johnson.
Q What is your postoffice? A Garnett, Kansas.
Q What is your age? A 30 years old.
Q What is your business? A My business is real-estate, loan and abstracting.
Q I believe you have already testified that you have lived at Garnett since '88? A Yes, sir.
Q Do you know a colored man up there by the name of Tom Mayfield?
A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Nicie.
Q Did they have any children? A One son that I remember.
Q What was his name? A Charley.
Q When did you learn to know Thomas Mayfield? A In '66.
Q In '66? A Yes, sir.
Q Where did he live then, I mean how far did he live from you, in the town or country? A He lived about two miles and a half from Garnett.
Q From Garnett? A Yes, sir.
Q What direction from town? A Southeast.
Q How long didhe continue to live there, when did he leave there?
A He left there in '68 or after '68, he was there on the 25th day of December, 1868.
Q Do you remember it? A Yes, sir.
Q Did you ever work with him? A No, sir, I was our at his place different times.
Q You was at his place different times? A Yes, sir.

Q On whose place didhe live, if you remember? He first lived on J. C. Gibson's place, an uncle of mine.
Q An uncle of yours? A Yes, sir, in '68.
Q Well it was after '68? A Yes, sir, when he liv d on my uncle's place was July, '68.
Q Where did he live after that? A Well he moved about half a mile southeast onto J. K. Campbell's farm.
Q Did he make a crop there in '68? A Yes, sir.
Q And somewhere after this crop was made before he came to the territory? A Yes, sir.
MR. SMITH: When was it you say he left there? A He left there in '68, after '68.
Q Well how long after '68? A I couldn't tell you just what time he left in '69, he was there on the [illegible] day of December, '68.

Q December of '68? A Yes, sir.
Q Where was he on the 25th day of August, '68? A He was there on Judge Campbell's farm.
Q How do you know? A Know there was where he lived until he left Kansas, left Anderson County.
Q Well the question was where was he on the 25th day of August, '68? A Well now, I couldn't say where he was.
Q Where was he you say the last time you saw him? A He was there on Judge Campbell's place.
Q When did he go on Judge Campbell's place? A I think he moved on Judge Campbell's place in '67.
Q What time in '67? A Spring of '67.
Q Where did he go from, where was he living before? A He moved from Gibson's farm, right adjoining Campbell's.
Q How long had he been there? A I don't know, only the year '66, he farmed Gibson's place in '66, part of it.
Q What ime of the year was it in '66 when you first saw him? A I think sometime in June.
Q Sometime in June? A Yes, sir, that was my first recollection.
Q Well that's been how long ago? A Which, '66?
Q Yes, sir. A Be about 24 years, wouldn't it?
Q From now? A Yes, sir, this is 1902, and '66 would be about twenty - let's see, 20, '66, would be worse than that, be about 32 years ago.

MR. HASTINGS: How many years did you say now it was, after you have figured it up? A '70 would be 30, and four would be 34, and two would be 36 this year.

MR. SMITH: Well now after that lapse of time what is it that makes you remember that it was in June '66 that you first saw this man? A This uncle of mine died in '66, July of '66, that's what fixed it, he was living there on the place when he was taken sick.
Q Who was? A Mayfield, living on my uncle's farm.
Q Have you ever seen him since he went away from there? A No, sir.
Q Well you don't know whether that is the same man that is the applicant in this application or not? A No, sir, I would say that he was.
Q Well, Mr. Johnson, when did you first have your attention called to the time that Thomas Mayfield left Kansas? A Last week when I was talking with parties about these other colored people I mentioned him.
Q Well now when was he first mentioned to you? A Which, about Thomas Mayfield? We were talking about the colored people, and that is the way it come up, I spoke of Mayfield myself, and they were talking to the old ones that lived there.
Q Where? A At Garnett.
Q Why didyou do that? A They were asking me what colored families I knew.
Q Well did they ask you about Thomas Mayfield? A No, sir, I told them about Mayfield, they were asking me and the other parties and trying to fix the names, and I spoke of Mayfield myself, named him among the others.
Q Well he didn't go away from there at the same time according to your idea of it that McNair went away, did he? A No, sir, McNair was among he first that left.
Q Well who left at the time McNair left? A I think some of the Bennes.

Q Which ones? A I think Sandy Bean left at the same time.
Q Who else? A I don't know but the other Beans, some of them Beans. I think it's probably all of them.
Q Well what were their names, who were they? A There was Tobo, and Joe, there was five of them all together.
Q What was this man McNair's name? A Riley.
Q Riley McNair? A Yes, sir.
Q Well now, Mr. Johnson, when was the matter first mentioned to you could you remember of your independent recollection the date when Mayfield left there? A Yes, sir.
Q Just remembered that? A Remembered that from the circumstances which occurred, just relative.
Q Well you had to look up the record about McNair? A Yes, sir, but I didn't about my uncle's death, and things of that kind, circumstances that occurred along about that time, know the time that they lived at Gibson's, and they left there, and the length of time they lived on there.
Q You remembered Mayfield better than you did McNair? A Yes, sir.
Q When was it you say your uncle died? A July, '66.
Q '66? A Yes, sir.
Q And you say Mayfield didn't leave until '69? A '69, sometime in the first of '69.
Q Let's see, '66, that was some time after your uncle died?
A About a year and a half.
Q Well he died in '66? A Yes, sir.
Q The next year would have been '67? A Yes, sir.
Q Next '68? A Yes, sir.
Q Been two and a half, wouldn't it? A Yes, sir, two and a half years.
Q Well there was nothing about that fact or month that you have stated that would have made you remember this man two years and a half after your uncle died, was there? A No, sir that occurrence, that would be about all, being bound back to my uncle's death there, and knowing Mayfield and my uncle, the time that they lived on Campbell's farm.
Q Well how long did they live on Campbell's farm? A About two years and a half, two years.
Q Well he lived on Campbell's farm then all the time from the time of your uncle's death on until they left? A Yes, sir.
Q Well now 36 years afterwards you remember whether it was one year and a half, two years and a half, or three years and a half?
A Could from the facts that I told you about.
Q Well you stated a minute ago that it was a year and a half? A two years and a half after figuring.
Q You had to figure it then? A No, I hadn't made no account of it, no.
Q Well now after a lapse of 36 years do you think that you can be positive that that man lived there two and a half years after you got acquainted with him there? A Yes, sir, by the events and circumstances that occurred, yes, sir.
Q Well now what event occurred? A Well circumstances that we were thrown together, and being back and forth from visiting.
Q What was the circumstance? A Hunting and fishing.
Q Well that long afterwards do you remember whether you had hunted and fished with a man a year or two? A Well, about seasons; '68 was a dry year with us, and about compelled to go to the creek for water, we could tell what people were living there, would remember it.

Q That's in the early part of '69? A That he left there, yes, sir.
Q Well who else left there in the early part of '69? A None that I know of.
Q Anybody leave there in the early part of '70? A There was several parties left there in '70.
Q '71? A I think there were some of them left in '71.
Q '72? A I don't know about that.
Q Well you [illegible] better the further back it goes? A Being associated with them I would know better, if I had been associated with them after they probably it would have been impressed on my mind, I might remember it just as well later as back further.

Arthur G. Crohinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

(Signed) Arthur G. Crohinger.

Subscribed and sworn to before me this 23rd day of May, 1902.

(SEAL) (Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans.

Subscribed and sworn to before me this 22nd day of Aug., 1902.

B. C. Jones
Notary Public.

Frank D 490

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

In the matter of the application of FRANK ADAMS for enrollment as a Cherokee freedman,

E. W. Hastings, Esq., for Applicant & Smith, Cherokee Nation, by

W. W. Hastings.

Comes now the applicant herein and moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Mariah Hayden, plaintiff, for the Freedmen, vs. The Cherokee Nation, defendant, in this case and the cases hereinafter mentioned by reference, a part of the proof in the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sarah E. Dunmer, D 495;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree, in the case of an applicant unless the same is called for, in each individual case.

Commissioner:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge [illegible] of the United States Court, of the Northern District, Indian Territory.

Mr. [illegible]

[illegible] shows that as to the above named [illegible] that claimed for the applicant or all of [illegible] days at the time any of the proof of any [illegible] the dates already referred to

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
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Acting Chairman.

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in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen No. [illegible],
[illegible], [illegible], [illegible], [illegible].

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 27, 1904.

SUPPLEMENTAL HEARING had in the matter of the applications for the enrollment of WINNIE MADDOX, ET AL., WINNIE MOORE, ANNIE BROWN, ET AL., MAGGIE BOYD, and JOHNNY MOORE, et al., as Cherokee freedmen.

It appears that on July 5, 1904, the principal applicants and the attorney for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its office in Muskogee, Indian Territory, on July 27, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant, Winnie Maddox, appears in person.
Cherokee nation by its attorneys, James S. Davenport and L. B. Bell.

WINNIE FOSHLIN, being first duly sworn, testified as follows:

By the commission:

Q What is your name? A Winnie Foshlin now.
Q How old are you? A I don't know.
Q About how old? A I have been guessing at it for a long time; I think I am about 36 or 4.
Q What is your postoffice address? A Vagney.
Q You are the person who applied to the Commission for enrollment as a Cherokee freedman under the name of Winnie Maddox? A Yes, sir.
Q You have since married one Foshlin, what is his full name? A Robert Foshlin.
Q Is he a Cherokee freedman? A Uncertain. No, sir.
Q Black man? A Yes, sir.
Q When were you married to him? A I have been married something over 4 years.
Q Were you the slave of a Cherokee citizen at the beginning of the war of the rebellion? A What do you mean by the rebellion?
Q Were you the slave of a Cherokee when the war commenced? A Mr. Ivory hired me out when I was a girl; I never was sold.
Q Were you born a slave? A If I was a slave I don't know it.
Q You don't know whether you were ever a slave? A No, sir, I was put out; hired out as a nurse.
Q When you could first remember where were you living? A When I first remember I was living in the Cherokee Nation.
Q What part of the Cherokee Nation? A Not far from Fort Smith.
Q You child? A I was on a place there close to a man by the name of Davenport.
Q Who were you living with? A When I could first remember I was with a family.
Q Indian family? A Yes, sir, Mr. Davis.
Q Were they Cherokees? A Yes, sir, my mother lived with them.
Q Was that before the war? A Yes, sir.
Q Did you belong to them, did your mother? A My mother did.
Q Are you sure about that? A I believe my mother belonged to them, because I can't remember it.

Q. Where were you when the war came up? A. Down in Texas or Oklahoma, I don't tell you which, because I see so much trouble I don't.

Q. Did your mother with you? A. No, sir, I left my mother here.

Q. Who were you with in Texas or Oklahoma? A. I was hired to a lady by the name of Alice Morgan, because I remember her; she pulled my coat.

Q. Did hired things you to this country? A. This Moore.

Q. What Moore? A. Bill Moore.

Q. Was child you belonged to Davis? A. My mother belonged to Davis and this Moore took me from them.

Q. Did Moore take you from Mr. Davis? A. Yes, sir.

Q. And hired you to some person in one of the States? A. Yes, sir.

Q. When then did you first return to the Cherokee Nation after the war? A. I don't know.

Q. You don't know anything about that? A. I heard people say 1868, and I say 1868.

Q. How long after the war was it when you came back? A. Not very long.

Q. To what point in the Cherokee Nation did you come to? A. Went to Tahlequa.

Q. Part Citizen? A. Yes, sir.

Q. Who did you come back with? A. With some people--Gunters.

Q. Give the names of some of the people who were in that party? A. Did you mean get Gunters.

Q. Was he a Cherokee Freedman? A. Yes, sir, I suppose, he called himself that.

Q. Who else? A. Sharp; I never knowed many of them, because I had to come home the best way I could.

Q. When you reached Fort Gibson, as you say in 1868, who did you stay with? A. With a woman who was looking for the soldiers.

Q. What was her name? A. Polly Thomas.

Q. How old were you? A. I don't know.

Q. How big, were you grown? A. I was a good big girl; maybe 18 or 19, maybe older, I don't know.

Q. How long did you stay there at Fort Gibson? A. I don't know, but didn't stay there very long.

Q. Did you give any idea about how long? A. No, sir, I couldn't get very long.

Q. Did you stay a year? A. I don't think so.

Q. Where did you go to about? A. On Log Town hill.

Q. Where was that? A. In Mr. Beauregard's first and then to Log Town hill.

Q. Where was that? A. In Van Buren.

Q. Arkansas? A. Yes, sir.

Q. Do you know what year you went there? A. No, sir.

Q. How long did you stay in Arkansas? A. Considerable a good while. Q. When that time? A. When I went that time, I don't know. I stayed there a good while.

Q. Did you stay a year? A. I don't know whether I stayed a year, but didn't stay a year until I went home.

Q. What did you call going home? A. Going back to the Cherokee Nation.

Q. Where was your mother all this time? A. When I got back my mother was back.

Q. Did she before the war? A. She died before it ended.

Q. Did she go out of the Cherokee Nation at all? A. Not as I know of.

Q. Did your father? A. I never saw my father.

[illegible]

Q How long did you stay in the Nation that time? A Not very long till I went back to the state again; I was trying to raise some children then and went back; I worked for a man by the name of Mr. Mitchell.

Q Where did he live? A In Van Buren.

Q You just spent your time in Arkansas and the Cherokee Nation?

A Yes, sir.

Q How long did you keep that up? A A good while.

Q Up until when? A No, sir.

Q Well, how long? A I ain't been there in several years.

Q Have you ever lived in any other state besides Arkansas since the war? A I was down in Mississippi once.

Q How long? A I wasn't gone good then.

Q How long after the war was that? A I wasn't there very long; don't know just exactly how long.

Q Did you ever live in North Carolina? A No, sir.

Q Were you ever there? A No, sir.

Q Were you ever in South Carolina? A No, sir, if I was, I was little and don't know it.

Q How long have you been living in the Cherokee Nation continuously since the war all the time? A I have been living here about, I don't know, it has been several years, I couldn't tell you exactly how long.

Q Five years? A That ain't a patching to it.

Q Well how long to the best of your knowledge? A I expect it has been, I don't know.

Q 10 years? A More than that.

Q 20 years? A Yes, sir, about that; I expect that is about it.

Q When were you first married, how long after the war? A The first time I was married I was married to Harrell Mackey.

Q Where? A In Bragga.

Q Cherokee Nation? A Yes, sir.

Q How long after the war was that? A That was a good while after the war, I lived with a man, though, and had some children.

Q When did you first live with a man and have some children after the war? A I was young.

Q Where were you living? A Lived with him in Van Buren.

Q Was he a white man? A Yes, sir, I lived with him in the Nation, too.

Q What was his name? A Stewart.

Q How many children did you have by him? A I had four by him.

Q What are their names? A One was named Joe Moore, Bob—

Q Robert Moore? A Yes, sir.

Q Any others? A Bubbie Austin.

Q Bubbie Brown was? A Yes, sir.

Q Any others? A Maggie.

Q Maggie—— A Katy.

Q They have applied to the Commission to be enrolled? A Yes, sir.

Q Where was Joe born? A I can't tell you where my children have been born.

Q You can, too? A No, I can't.

Q You don't remember where any of them were born? A I had one or two down here in the Cherokee Nation.

Q Which one? A Maggie or some of them.

Q Where was Bubbie born? A I can't tell you; I have been troubled so much I can't.

Q Where was Robert born? A I don't know; my husband give me too much trouble; I can't tell.

Q How long did you live with this man Stewart? A I don't know.

Q How many of your children that you have named were born after he died? A Four.

Q How many were born in the State of Arkansas? A I don't know as I had girls and may have been born there.

Q Do you have children now? A Yes, sir.

Q How many were born in Mississippi? A Didn't have any in Mississippi.
Q How many times have you been married? A Twice.
Q Once to Roswell Mackey---A I have been married three times; I was married to Roswell Mackey and he died, and I married a fellow by the name of Hinds Duffin and he died, and this last man is named Bob Jenkins.
Q You never had children by any enough Shomart? A Yes, sir, Andrew never belonged to Shomart.
Q How old is he? A About 16, I reckon.
Q He is living now and living with you, is he? A Yes, sir, he ain't got good sense.
~~Q---Where is your husband's name?---A~~
Q What is his father's name? A Henry.
Q Henry what, did you not know his other name? A I never tried to know his other name.

By Mr. Davenport:
Q Now, Winnie, when Moore took you away how old were you? A I couldn't tell.
Q You were big enough to remember it? A I was about 10 or 11, I reckon.
Q Where was Moore living at that time? A In the Cherokee Nation.
Q At what place? A I couldn't tell exactly.
Q How far from Van Buren? A I don't know; it didn't seem to me like it was far.
Q Did Moore live with Mr. Davis at the time he took you away? A No, sir.
Q Was he a man of family? A Yes, sir, I think so.
Q He wasn't a Cherokee, himself, was he? A Yes, sir.
Q Jack Moore? A Yes, sir, I think so.
Q Do you know whether he was or not? A They all called him Cherokee.
Q Did you ever see Jack Moore after he took you away that time? A I don't know whether I did or not.
Q Where did he take you to when he took you away from the Cherokee Nation? A He took me down south to Texas.
Q Did you come back up near the the Cherokee Nation after that before the war began? A No, sir, I don't think I did.
Q Who were you living with when the war began? A I was hired out to a woman by the name of Miss Morgan, but I don't know whether it had begun then.
Q Where did Miss Morgan live? A In Texas.
Q Had you ever seen her before you were taken there? A No, sir.
Q Who do you claim you were a slave of when you could first remember? A Jack Moore; my mother belonged to Mr. John Davis.
Q Where did he live? A He lived somewhere in the Cherokee Nation, kindly up the country like.
Q From what place? A From Log Town.
Q Were you ever at Mr. John Davis' house? A When I was a child.
Q Was that before or after the war? A Before I was taken away.
Q Log Town was right at Van Buren, Arkansas, wasn't it? A Yes, sir, I reckon.
Q You spoke awhile ago about living with or near a man by the name of Davenport, do you know what his first name was? A No, sir, I forget.
Q Where did he live with reference to Van Buren? A Out that way.
Q On Lee's creek? A Yes, sir.
Q When was that you lived near him, after or before the war? A After?
Q When you came back from Texas or Mississippi? A That was the time I went there, when I came back.

Q Where did you first come when you came back from Texas after the war? A Come on to Fort Gibson.
Q Then when did you go down to Van Buren, near where Davenport lived? A I don't know how long.
Q How long did you stay at Fort Gibson before you went down there? A I don't know exactly, not so overly long.
Q Had you ever known Davenport before the war? A No, sir.
Q How long had you been back to the Cherokee Nation before you went to Davenport's? A I couldn't tell you.
Q One or more years? A It might have been more than a year.
Q Do you think it was as much as three years? A I couldn't tell you to tell you the truth.
Q Did you know whether or not he had a family? A Yes, I think so. I think he had a wife; he had some colored people there.
Q You didn't come from South Carolina with Captain Davenport and his father? A No, sir.
Q Didn't Isaac Davenport, the father of Captain W. A. R. Davenport, bring your mother from South Carolina to Texas? A No, sir.
Q And didn't you come from the state of Texas with Captain W. A. R. Davenport and his wife, who was a Miss Summers, in 1874, to Van Buren, Arkansas? A No, sir, I throw this hand up to God I didn't.
Q You can't tell me then how long you had been back to the Cherokee Nation until you went and lived near them? A No, sir.
Q Did you ever live in the house with them or work for them? A Yes, sir, I worked some there; they had colored people and I worked some there.
Q You don't know who was your owner when the war broke out? A No, sir.
Q You knew you were living in Texas? A I was carried there.
Q You were there? A Yes, sir.
Q Living with Mrs. Morgan? A Yes, sir.
Q Was your mother living when you came back to this country? A No, sir, I aint found her since.
Q You don't know where she went during the war? A No, sir.
Q You don't know whether she ever returned to the Cherokee Nation? A No, sir, I was told she died here.
Q You never knew who your father was? A They told me, but I forget.
Q You answered Mr. Green a while ago and said you couldn't tell where your children were born, were any of them born down there by Van Buren, on Lee's Creek? A I had Andrew and I had Maggie; they were born at old man Peter Edwards' and that aint far from Lee's Creek.
Q Where were you living there? A Over in the Cherokee Nation; old man Peter was a doctor and he waited on me.
Q What Cherokees lived near you down there? A I don't know; I never stayed no longer than I could get down and up.
Q Where are you living now? A I am in Wagoner now.
Q How long have you been living there? A About seven years, I reckon.
Q What was your mother's name? A Margaret Davis.
Q She belonged to Dr. Davis of the Cherokee Nation? A Yes, sir.
Q When was it you went to Mississippi, Winnie? A I went there with Miss Morgan.
Q You went from Texas with Mrs. Morgan to Mississippi? A Yes, sir.
Q Do you remember her first name? A No, sir, I can't think of it.
Q What was your postoffice down there in Texas? A I think they called it Red Rock.
Q Do you know what county it was in? A No, sir.
Q When did you leave Texas to come up here? A I left Texas years, years ago.
Q How long ago? A I can't tell how long.
Q Who did you come with? A With some people who was coming.
Q What people? A Some were Sandoes.
Q Were they white people? A Colored.

Q Were they Cherokee freedmen? A They say so.
Q They lived there where you did? A Yes, sir, they were there.
Q How far from Red River were you? A I don't know.
Q You don't seem to know anything about where you were? A It was down about Red Park, not Red River.
Q How long did it take you to get to the River from where you started? A I can't tell exactly how long, about two days, I believe
Q Who did these Sanders' live with? A I don't know who they were living with; they were all camping and we and some more people came to them, and they was coming on home and we came on together.
Q Who were some more people? A I don't know their name.
Q How did you get with them? A I went with them, like anybody would.
Q Were you not with Mrs. Margum? A No, sir, I had left her.
Q Then you don't know who you came herewith? A One was named Joe and Henry Sanders.
Q Did they tell you where they were going? A Said they were coming back to the Cherokee Nation.
Q And they brought you to Fort Gibson? A I came with them.
Q Where did they leave you? A I came on to Fort Gibson.
Q Where did the Sanders' leave you? A They left me somewhere not far from Gibson.
Q Didn't they leave you in Fort Gibson? A Not exactly.
Q Who did you go to stay with? A Polly Kirven.
Q She was then cooking for the soldiers? A Yes, sir, she was cooking.
Q Living up in the garrison or out in the edge of town? A Up in the garrison.
Q How long did you stay with her? A Not long.
Q Then where did you go? A Went on down to Lee's creek.
Q Didn't you go to Log Town? A Not right then.
Q Where did you stop at? A At Mr. Davenport's.
Q Where did he live? A On Lee's Creek.
Q In Arkansas? A No, in the Cherokee Nation.
Q Are you certain they were living in the Cherokee Nation? A I aint certain.
Q Isn't it in Arkansas? A Where is Lee's Creek?
Q In Arkansas. A Then there is where I went.
Q Did you ever know a man by the name of John Keeton? A Yes, sir, I knowed a man to come to Van Buren at the time they were giving a supper there to make up money to go to Africa.
Q Now, didn't your husband go to Africa in that crowd? A He didn't go in that crowd; he went after that.
Q You say you knew John Keeton? A Yes, sir.
Q They were making up that money to go to Africa? A Yes, sir.
Q Didn't you know John Keeton in South Carolina? A No, sir.
Q You never knew John Keeton in South Carolina? A No, sir.
Q You never saw him before you saw him at that supper? A No, sir.
Q I want to ask you if you really wasn't born and raised in South Carolina? A No, sir.
Q Wasn't you put in jail there for---------A No, sir.
Q You didn't know John Keeton in South Carolina when he helped the jailer there? A No, sir.
Q The first you saw of John Keeton was when you were getting up that money to go to Africa? A The first time I saw him to know him.
Q You didn't live in South Carolina, then, at all? A No, sir, never lived in South Carolina, unless I was small and didn't know it; they have carried me about a long and I never knowed John Keeton until after he came to my house at the time of that supper.
Q Didn't you run a boarding house in Van Buren? A No, sir.

By the Commission:
Q About what time of the year was it when you reached Fort Gibson after the war, the first time? A I couldn't tell you, exactly, the first two months and Gibson.
Q Was it warm weather? A Nothing warm.

Q Were you there at the time the colored cholera killed so many colored people? A No, sir, I wasn't there then, I was gone to Van Buren.
Q Had you been there, since the war, before that time? A Yes, sir, I had been there.
Q When did you first come to the Cherokee Nation to stay and live and acquire a home after the war? A I don't know; it has been about 20 years, I reckon.
Q You never established a residence and never owned a place or home or anything in the Nation until some 20 years ago? A I lived about with the people; I didn't have no home.
Q Up until 20 years ago where did you spend the most of your time, just lived about from one place to another? A Yes, sir.
Q Where were you the most of the time? A Over in Van Buren, Fort Smith, Little Rock, down to Mississippi and around.
Q Were you in the Cherokee Nation the most of the time or the states? A In the Cherokee Nation some of the time, too.

CHARLES WILSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Charles Wilson.
Q How old are you, Charley? A 65 the 4th of this July passed.
Q What is your postoffice address? A Wagoner.
Q Are you a Cherokee freedman? A I am.
Q Have you applied to this Commission to be enrolled? A No, sir.
Q You never have? A Over at Tahlequah.
Q You have applied then to the Dawes Commission to be enrolled? A Yes, sir, I am enrolling already enrolled.
Q Do you know the applicant in this case, Winnie Mackey? A I do.
Q When did you first get acquainted with her, Charley? A The first time I knowed her she was quite a small girl.
Q Was that before the war? A No, sir.
Q After the war? A Yes, sir.
Q How long after the war? A About '66 or '67, somewhere along there.
Q You don't remember what year it was in? A No, sir, I was in the war, myself.
Q Where was she when you first saw her after the war, in 1866 or '7? A At Fort Gibson.
Q About how big a girl was she then? A Well, as near as I can judge, she was about 14 or 15 years old, maybe more.
Q Who was she living with there? A I don't know who at that time.
Q How did you happen to see her there? A I knowed her people.
Q You knew her mother, did you? A Yes, sir.
Q Before the war? A Yes, sir.
Q What was her mother's name? A Margaret.
Q Margaret what? A Margaret Davis.
Q You didn't know this girl, Winnie, before the war? A No, sir, I did not.
Q Did Winnie's mother belong to a Cherokee citizen before the war? A I couldn't tell whether she did or not, but they said so.
Q You said you knew her? A Yes, sir, but I knowed her by her mother; she said she was a Cherokee.
Q Her mother claimed to be a Cherokee by blood? A Yes, sir.
Q Winnie's mother did? A Yes, sir.
Q Do you know anything about where Winnie's mother went during the war? A No, sir, I couldn't tell you, because I was away myself.
Q Did you ever see Winnie's mother after the war? A I did.
Q Where at? A At Chouwanoowee district; at Baggs Prairie, near Vinita.
Q How long after the war was that? A It was in '67; I came here with the 15th Cavalry and had to go off with it again; I was a soldier.
Q Who was Winnie's mother living with up there? A I couldn't tell you.

Q You don't know anything about that? A No, sir, I couldn't tell you.
Q After you saw this woman, Winnie, here at Fort Gibson shortly after the war, when did you next see her? A I have been seeing her off and on ever since; she married down to Braggs--no, she married before she married down there; Moores carried her here, that is what she says--
Q Tell what you know. A I saw her at Braggs.
Q When? A The last time I saw her was at Braggs.
Q When? A I couldn't tell you how long ago; not so long ago; she married down there a man by the name of Mackey, Roswell Mackey.
Q Did you ever know this woman over in Arkansas? A I didn't.
Q Did you ever know her in Mississippi? A I didn't.
Q Do you know whether she has ever lived inArkansas? A I couldn't tell you.
Q Do you know whether she ever lived in any other state? A Only in the Cherokee Nation and Creek nation.
Q You couldn't tell where she has been from the time you saw her at Fort Gibson up until 20 years ago? A No, sir, I couldn't.
Q How do you happen to remember having seen her at Fort Gibson?
A By my father-in-law, they were all together, and I have known the Davis'; my father said that was Winnie Davis, old man John and Margaret Davis' daughter.
Q Winnie was living there with your father-in-law in Fort Gibson?
A No, sir, I saw her there.
Q With them? A Yes, sir, down to my father-in-law's house, but she wasn't living there; I couldn't say whether she was living in Coweseseswe or Illinois.
By Mr. Davenport:
Q You never knew Winnie's mother before the war? A No, sir.
Q You don't know to-day who this Winnie's mother was, of your own knowledge before or after the war? A Yes, sir, I knewed her mother after the war.
Q Don't you know that Winnie's mother died during the war? A I don't.
Q Don't you know that Winnie, herself, swears in this case that she did? A I couldn't tell you.
Q You say you saw her in Bogy's Prairie in Coweseseswe after the war? A Yes, sir, which I did.
Q What is her name? A Margaret Davis.
Q When did you talk with Winnie about being a witness in this case?
A Didn't talk with her.
Q How did she happen to know that you knew anything about this case?
A How I came to know, we all live at Wagoner, and she asked me, "You know all my people", and I says "Yes, and the Davis people," and she says, "I have got to get witnesses before the Dawes Commission; they are trying to beat me out of my property," and I says "Anything I can do what is right, I will do," which I am.
Q You never saw Winnie until after the war? A No, sir.
Q All you know about Margaret Davis being her mother is what you have heard? A Is what her own people say, yes.
Q You don't know where Margaret Davis went during the war? A No, sir.
Q You don't know where Winnie was when the war broke out? A No, sir, the latter part of '63 I run away from home, from Grand river, five miles from Vinita, and went to Fort Scott and went in the army.
Q Had you seen Winnie at Fort Gibson before the war? A No, sir, after that.
Q How long after that? A I saw her in '66 or '7.
Q Can you name any other strange girl that you never had seen before, that you saw at Fort Gibson? A I know thousands of them that I hadn't seen before.
Q Name them? A I know state people, not Cherokees
Q There were any number of state people at Fort Gibson about that time? A Yes, sir.

Q After you saw Winnie there in 1866 or '7, where did you next see her? A At Lenapah after I came out of the Army.
Q You never saw her at all until after you came out of the Army, did you? A Yes, sir.
Q What was she doing at Lenapah? A Had a farm there.
Q How long was that after you saw her in Fort Gibson in 1866 or '7? A Some eight or ten years.
Q Wasn't it considerably longer than that? A Maybe.
Q How long has there been a Lenapah in the Cherokee Nation? A Ever since the Valley road went through.
Q How long ago has that been? A About 14 or 15 years.
Q You never saw Winnie from 1866 or '7, until after the Kansas and Arkansas valley railroad built from Fort Smith, Arkansas, to Coffeyville, Kansas? A No, sir.
Q You don't know anything about when she was living in Van Buren? A No, sir.
Q Fort Smith? A No, sir.
Q Little Rock? A No, sir.
Q And Mississippi? A No, sir, nothing about that at all.
Q How many times did you ever see Winnie's mother after the war? A Once.
Q How did you know it was her? A By the child.
Q You had seen the child down there at Fort Gibson and then when you met the mother you knew her by the likeness of the child, by the looks of the child? A No, sir, I knowed her by the name.
Q Then you don't know anything about whether the mother of Winnie ever belonged to Davis except what she said? A I couldn't tell a thing about that.
Q You never were at Davis' house where she was living? A No, sir.
Q You don't know the Davis family? A No, sir.
Q You haven't lived in this country ever since the war and never met Kinney Davis, the son of Dr. Davis? A No, sir, I haven't met him.

By the commission? A Didn't you tell me that you knew Winnie's mother before the war? A I told you I saw her mother after the war, in '66 or '7.
Q You didn't tell me that you knew Winnie's mother before the war? A No, sir, I didn't.
Q Didn't you say that you did know her and that she lived with the Davis' before the war? A No, sir, I didn't; I said after the war, between '66 and '67.
Q You didn't mean to say then that you knew Winnie's mother before the war, when I was asking you about it? A Yes, sir.
Q You did mean to say that? A Yes, sir, that was right in '64, '62, '63, yes, sir, Mrs. Davis, yes, sir.
Q Winnie's mother? A Margaret Davis, Winnie's mother.
Q You knew her then before the war? A Yes, sir.
Q How long before the war did you first get acquainted with her? A My people and her lived close together before the war; I expect before I was born, couldn't say, but I was big enough to know.
Q How big were you when you first knew her, how old were you? A I was a small aland boy.
Q About 10 or 12 years old? A I expect I was, because I am 68 now, you can consider and count up; I was 63 the 4th of July, something to my mother used to belong to Ross.
Q You say you have applied to the Dawes commission to be enrolled? A Yes, sir, and am already enrolled and got my land.
Q Have you had your land allotted to you? A Yes, sir.
Q Under what name did you apply? A Under Charley Reeves.
Q What are the names of your children? A Ella Reeves, Lucy Reeves, and Lillie Reeves.
Q Did you apply as a Cherokee freedman? A I did.

Q Do you remember whether you were put on a doubtful card or a straight card? A No, sir, if I had I wouldn't have got no land whatever.

By Mr. Davenport:
Q Where were you in 1880? A I was in Fort Gibson, Illinois district. I was bred and born in Cooweescoowee; I soldiered eleven years and four months.

By the Commission:
Q Do you know William and Margaret Naves? A I don't.
Q Did you ever go by any other name besides Naves or Wilson? A No, sir.
Q Never did? A No, sir.

By Mr. Davenport:
Q Where did Mr. Davis, that you claim was the owner of Margaret, live before that war? A I couldn't positively say, but he used to come up to Cooweescoowee and---
Q What place in Cooweescoowee would he come to? A Upon Grand--- Beggs Prairie.
Q Was Beggs Prairie ever in Cooweescoowee district? A Above it, above Lightning Creek.
Q Above Lightning Creek? A He used to come up above Lightning Creek.
Q Who lived on Lightning Creek at the time Mr. Davis came up there? A Nels Murrell.
Q Did you ever see Mr. Davis before the war? A Yes, sir, I did.
Q Did you see him at Nels Murrell's on Lightning Creek before the war? A Yes, sir, I did.
Q Don't you know that Nels Murrell never lived on Lightning Creek until after the war? A Yes, sir, he went away and come home; he was sent off to Kansas and come home; that is my own uncle; you can't tell me nothing about it, because I know.
Q Who else lived on Lightning Creek besides Nels Murrell when you saw Mr. Davis there? A So many people lived there I couldn't tell you.
Q Nels Murrell never lived on Lightning Creek before the war, did he? A Yes, sir, and then moved to Snow Creek.
Q Where did Nels' owner live before the war? A At Tahlequah, Nathan Naves.

By the commission: From the demeanor of this witness while on the stand, and from the conflicting statements made by him in the course of his testimony in this case, it is considered by the person in charge of this hearing that the witness is of unsound mind.

By Mr. Davenport: The representatives of the Cherokee nation desire to introduce and have made a part of the testimony- record in this case the testimony of Frank Smith, George W. Range, McCoy Smith and Jack Walker, taken on June 17, 1904, in the case Cherokee Freedmen doubtful 154, Adaline Hampton, et al., as to the reputation of Polly Nivens, now Polly Ross.

Commission: The request of the Cherokee nation's attorney will be complied with and copies of the testimony referred to will be filed with and made a part of the record in this case.

-o-o-o-o-o-o-o-o-

M. M. Vance, being first duly sworn, states that as stenographer to the commission to the five civilized tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is

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FILED
AUG 26 1904
COMMISSION TO FIVE TRIBES.

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[illegible]

[illegible]

[illegible]

CONVERSION TO THE LIBRARY
[illegible] 1899
[illegible]

Mary Hawkins
in
Wiley Reeves –

I know her since 1887 – at Van Buren ark. first
she lived for three years or longer at Van Buren
& she then came to the Nation & I cant say
whether she was born here all the time or not –
She is now living at Wagoner.
Her husband was named Moore he left her &
it is said went to Sabina Africa.

John Keating –

I first knew Wiley McKay – South Carolina
before the war, I belonged to a man named Martin
he was jailor Anderson Co S.C. & I got acquainted
with Wiley at the jail. She was put in
We both came west but not together – I came
about 1858 or 59 & met her in Van Buren about
10 years ago – I went to her house to see her –
Her husbands name was Stewart Moore.
He left her and went to Africa about 6 years
ago. I about that time or shortly after Wiley
Moore left Vamden

Albert Latimer

I [redacted] from S.C. in 1887 —
I came & stopped at Van Buren Ark a short while & left there & went below Alma a about 5 miles ~~below Alma~~ all in Arkansas. I stayed 5 yrs in that place. about ten years ago I saw this woman Winny Moore, at Van Buren Arkansas, she was making her home there, & continued there until her husband Stewart Moore left & went to Oregon & she left & I saw her no more

Mrs. Laura Latimer —

I came from S.C. in 1888 — Albert Latimer is my husband. we were married in S.C. My husband came ahead of me to secure a location, I have lived with my husband from the spring of 1888 when I joined him in Arkansas up to the present time —
I know Winny Moore, now called Winny McKay. I first saw her at Vanburen Arkansas — she was living there. I can't give the exact date but it was before her husband Stewart Moore left for Oregon afterwards she came to my house on a visit —

COMMISSIONERS:
TAMS BIXBY
TIMOTHY L. ANDERSON
W. WIRSCHING
WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN REPLY REFER TO THE FOLLOWING
Cherokee Freedman
D-899.

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matteref the application of Winnie Mackey for the enrollment of herself and minor child, as Cherokee freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to whether or not the said Winnie Mackey was a slave of a Cherokee citizen at the commencement of the war, and the date of her return to the Cherokee Nation after the close of the war.

The applicant, Winnie Mackey, has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M. on Wednesday July 27, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as may be desired in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Mc9

COMMISSIONERS
TAMES McCOY
TAMES A. TOBEY
W. BRECKINRIDGE

TAMES BEALL
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
D-899-977-978-,
982-983.

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the applications for the enrollment of Winnie Mackey, et al., Robert Moore, Amelia Brown, et al. Maggie Doty and Joseph Moore et al., as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show whether or not Winnie Mackey was the slave of a Cherokee citizen at the commencement of the war of the rebellion and as to the date of her return to the Cherokee Nation after the close of the war.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M. on Wednesday, July 27, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as may be desired in rebuttal of that offered by the applicants.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of supplemental testimony of July 27, 1904, in Cherokee freedmen D-899, Winnie Mackey, et al.

Respectfully,

Encl. S-72.

Chairman.

-COPY-

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

LAND
5247-1905. WASHINGTON, March 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Winnie Mackey for herself and her minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and her minor child, Robert Brown; by Maggie Doty for herself; and by Joseph Moore for himself and his minor child, Mamie Moore.

January 16, 1905, the Commission decided adversely to all the applicants.

The record shows that Winnie Mackey was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation, at the beginning of the war of the rebellion. It is further shown that all the other applicants are descendants of Winnie Mackey, born since 1866, and claim no rights to enrollment except through her. None of the applicants be identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to all the other applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

-COPY-

J.F.Jr.

DEPARTMENT OF THE INTERIOR,

LLB

D.S.21948
I.T.D.2312-1905.

WASHINGTON.

L.R.S.

May 29, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

January 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Winnie Mackey for herself and her minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and her minor child, Robert Brown; by Maggie Doty for herself, and by Joseph Moore for himself and his minor child, Mamie Moore.

Reporting March 7, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission dated January 16, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R 899 et al.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, rejecting the applications for enrollment as Cherokee freedmen of Winnie Mackey for herself and her minor child, Andrew Moore; Robert Moore for himself; Amelia Brown for herself and her minor child, Robert Brown; Maggie Doty for herself, and Joseph Moore for himself and his minor child, Mamie Moore, was affirmed by the Secretary of the Interior May 29, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. A-88.
M.A.

Commissioner.

Cher Fr D 900

Cher Fr D 900

File with C.F. D-900, Elijah Starr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1901.

In the matter of the application of Georgia Starr for the enrollment of herself, her husband, Jack Starr, and her four children as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Georgia Starr.
Q How old are you? A Well, I don't know exactly how old I am.
Q Well, about how old? A I must be forty some odd; I don't know exactly.
Q What is your post-office? A Centralia.
Q In what district do you live? A Coweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Well myself.
Q Have you got some children? A Yes sir. (Hands paper to Commissioner.)
Q You have four, have you? A Yes sir.
Q Have you a husband? A Yes sir.
Q Is he a Cherokee Freedman? A Yes sir.
Q You want to apply for yourself, your husband and four children, is that right? A Well, yes, I guess that is all right.
Q That is all you have, is it? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life, as far as I can remember.
Q Give me the name of your father. A Ben Grimmett.
Q Is he alive? A Yes sir, he is alive.
Q Give me the name of your mother. A Clarinda Grimmett.
Q Is she alive? A No sir, she is dead.
Q How long has she been dead? A I declare I don't know. I reckon about 18 years or more.
Q Give me the name of your husband? A Jack Starr.
Q How old is he? A I don't know; he must be about sixty something, I don't exactly know.
Q Where is he now? A He is out here to the camps.
Q How long has he lived in the Cherokee Nation? A All his life, I guess.
Q Do you know the name of his father? A No sir, I don't.
Q Do you know the name of his mother? A No sir, I have heard him call her name several times, but I don't remember his name. He is around here.
Q When were you and he married? A Well, I declare I don't know. Mister, he can tell you more about it than I could.
Q Is your eldest child Walter? A Yes sir.
Q How long before Walter's birth were you married? A About two and a half years.
Q Walter is 17, is he? A Yes sir.
Q You have been married nearly twenty years? A Yes, I guess it has.
Q Were you ever married before you married Jack Starr? A No sir.
Q Was he ever married before he married you? A Yes sir.
Q How many times was he married? A Only once.
Q Who was his first wife? A Charlotte Hayes.
Q Was that wife dead when he married you? A Yes sir, she was dead.
Q Was she a Cherokee Freedman? A Yes, Cherokee Freedman.
Q She died before you and Jack Starr married? A Yes sir.
Q Give me the names of your four children. The oldest one is named Walter Starr? A Yes sir.
Q He is 17 years old, is he? A Yes sir.
Q The next one, Herbert? A Herbert Starr.
Q He is 15, is he? A Yes.
Q The next one is? A Henry.

Q Harvey is 9? A Yes, 9 years old.
Q The next one? A Mark.
Q He is four years old? A Yes, four years old.
Q Are they all living now? A Yes sir.
Q Did you have a brother named George? A No sir, I am the only one; they called me George and Georgia.
The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the Applicant is found on Page 108 No.1216, George Grimmett, Cooweescoowee District. The applicant's husband is not identified on the 1880 authenticated roll.
The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.
Q Did you draw Cherokee strip money? A Yes sir.
The Wm. Clifton roll examined and the names of the applicants are found thereon as follows:
Page 10 No.247, Georgia Starr, Cooweescoowee District.
Page 140 No.5489, Jack Starr, Cooweescoowee District.
Page 10, No.248 Walter Starr, Cooweescoowee District.
Page 10, No.249 Herb Starr, Cooweescoowee District.
Page 10, No.250 Brum Starr, Cooweescoowee District.
Jack Starr, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name? A Jack Starr.
Q How old are you? A To the best of my knowledge, I am about 66 years this year.
Q What is your post-office? A Centralia.
Q Are you the husband of the applicant here, Georgia Starr?
A Yes sir.
Q About how long ago was it when you and she were married? A Well, its been about 19 years I guess now.
Q Were you ever married before? A Yes sir.
Q What was the name of your first wife? A Charlotte Whitmire, She was a Hayes; her father was Hayes.
Q Was she dead when you married this wife? A Yes sir, she was dead two years and six months.
Q I don't find your name on the roll of 1880 or on the roll of 1896, can you explain why you are not on the roll of 1880? A Just because the Cherokees wouldn't put me on; they have been trying to lose us all they could.
Q What reason did they give for not putting you on? A I don't know; they didn't claim us.
Q How long do you claim to have lived in the Cherokee Nation? A I have lived here ever since I can remember.
Q Since before the war? A Yes sir.
Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes sir.
Q To whom did you belong? A Old Mr. Thornton, when the war broke out.
Q What was his full name? A John.
Q Dr. John Thornton? A Yes sir.
Q Where did he live? A In Delaware District, in the east part, I guess it was; he was in Indian.
Q Was he a recognized citizen of the Cherokee Nation? A Yes sir, I guess he was; he was in Indian.
Q Where did you go during the war-where did they take you? A They didn't take me anywhere; I took myself in the first Indian Regiment.
Q Where did you enlist? A I wasn't a soldier; I was a teamster and working for officers.
Q Where did you join the regiment? A I went into it when it started north.
Q Where was it? A In Lewis Ross' place somewhere.

Q Where did you go with them? A I went north with them.
Q Up in Kansas? A They went there to Kansas; they went up to Drywood, twelve miles this side of Fort Scott and stayed awhile and then they came back and went to Arkansas and the edge of Missouri.
Q Where were you when the war closed? A At Fort Gibson.
Q Were you there at the time you quit working with the regiment? A Yes sir, that is where they disbanded and turned them loose; the Cherokees told them to go.
Q What year was that, do you know? A I think I am not very well posted in dates; I think it was in '65.
Q What time of the year did they disband them? A Well, it was along about the middle of the summer or spring; I disremember now.
Q Well, where did you go after you quit that regiment? A I went up into Kansas where my wife was.
Q She had been carried up there? A Yes sir, by the government teams.
Q What did you do up there? A I didn't stay there very long; I worked around there at Fort Scott for a while until I got myself a plug of a team and come back to the nation here.
Q Cherokee Nation? A Yes sir.
Q Did you bring your wife with you? A Yes sir.
Q Was that your wife Charlotte? A Yes sir.
Q Well, when was that you brought your wife back? A That was along about the first of September or last of August, or somewhere along there in the year '66, after I went up there. I went up in October in '65 and come back in '66.
Q Where did you locate when you came back with your wife? A Up on Big Creek in Cowweskowee District.
Q How long did you live there? A From that date until this.
Q Always lived at the same place? A Yes sir.
By W. V. Hastings: Did you come back in a wagon? A Yes sir.
Q Your first wife with you? A Yes sir.
Q How many children did you have? A I had three at that time, I think. No, two I believe.
Q What were their names? A One was named Charlie and one was named Aaron and Peggie.
Q Were these children all born before the war? A No sir, one was born in the time of the war, and one was born before the war. No, I am mistaken, two was born before the war and one in the time of the war.
Q Which one was born in the time of the war? A Peggie.
Q Where was she born? A She was born up there while I was down Here.
Q Who came back to the country with you? A Well, there was old man Hayes' folks, very many.
Q What Hayes? A Dave Hayes.
Q Dave Hayes came with you did he? A Yes sir.
Q Who else came with you? A Sam Whitmire and Jesse Whitmire.
Q Anybody else? A Yes sir, there was old man Perry Ward; he is dead now. There was several, some among; it has been a long time to recollect those things. I told you once who came along with me.
Q I am asking if you remember the same way this time? A I don't keep no dates, and I can't recollect them all the time; I am trying to tell you the same I told you before.
Q You said before Dave Hayes was living in the Cherokee Nation when you came? A Yes sir, I don't think I did.
Q You never saw that he came with you? A Yes sir, he came with us.
Q What part of the Cherokee Nation did you come to? A Come on the north part of this district on the Big Cowweskowee Creek.
Q How far from the Kansas line did you settle? A I don't know how far; there was one tree on the other side.

I.S.C

Q How far did you come from the place there you are now? A Not more than a mile.
Q You came to the same neighborhood? A Yes sir, same place. I live right on the same place that I first improved.
Q How far did Will Martin live from you at that time? A Who is that?
Q He is a Cherokee citizen? A He was in Kansas somewhere; he wasn't there when I come there.
Q You are positive about that? A Yes sir.
Q Where was Jim Martin? A He was with Dilways somewhere, I don't know.
Q A few negroes were there? A Yes, sir, there were some negroes there; they stole horses from me.
Q They were the only ones beginning there at that time? A That is all I know at that time.
Q Were there a good many houses on Bi- Creek when you came? A Good many foundations, and log houses; they were putting up some there, not very many.
Q Were A Wm. Wright and Lewis Wright there? A Yes sir.
Q Caesar Smith? A He come with me, Caesar Smith come with me.
Q How about Mike Sanders? A He was there when I come there.
Q Did he have a place? A Yes sir.
Q A house? A Yes sir, some kind of a log hut.
Q How far did he live from you? A About one mile I guess from where I am living now, he lived about one mile.
Q How long did you stay at Fort Gibson after you were mustered out of the service? A I wasn't a soldier.
Q After the others were mustered out ? A I stayed around there- I left there about the first of October, I know there was a little frost. I went to Kansas with Mr. Walker.
Q Cherokee Tim Walker? A Yes sir.
Q Dick Walker his father? A I don't know; I guess it was his son.
Q You went with him? A Yes sir, I rid up in his wagon myself and one of his boys was along; I don't know his name.
Q What did you do up in Kansas? A I knocked around there, enough to get me a plug old team and get back? I couldn't tell you what I work around this and that another.
Q You worked long enough to get a team and wagon? A Yes sir, I got an old wagon that lasted until I got down here.
Q You supported your family in the meantime also? A Yes sir.
Q And you think you came here in August? A First or September or last of August.
Q You know it wasn't later than September? A Yes sir, I know it wasn't later than that.
Q Was Sam Webster already living down there then? A Yes sir, he was living there.
Q Harry Still was there? A Yes sir.
Q Lewis Wright? A Yes sir.
Q These people had houses there when you come? A Harry Still didn't; they were down on the foot of Lightning Creek.
Q You are positive you never saw Will Martin? A I have seen him, but I never saw him when I came that year that I know of.
Q There were no Cherokees there then? A Dick Carter was down somewhere on the Verdigris, and a man by the name of Coker was there.
Q Sal Coker? A John Coker.
Q You built yourself a house right away after you came? A Yes sir as soon as I could; I lived in a tent a while.
Q From the crop raised practically to live on the first year? A I fetched some with me, all I could; and there I could get it; once in a while I would come in from Missouri; from Chetopa, hauling flour, a piece of meat to eat, and I would get a hold of a piece once in a while.
Q From what place in Kansas did you buy your seed? A Up there by

J.S.

Fort Scott.

Q Did you come by way of Chetopa? A I came a little west of Chetopa. I don't know whether there was any Chetopa there then; it was just starting; I didn't come on our railroad then I am certain of that; there wasn't any railroad then.

Q You are certain there wasn't any railroad? A Yes sir.

Q You are not certain whether there was any Chetopa, are you? A I am not certain; there was a little place at Oswego then.

Q Wasn't Chetopa your nearest trading point when you came to the Cherokee Nation? A Yes sir, that was the nearest point, but I didn't have any provisions to get.

Q Didn't you say you were getting provisions? A There was a mighty little Chetopa there.

Q When did you go to Coffeyville first? A I dont know that there was a Coffeyville then there. There was a little town Centralia before I knew of Coffeyville.

Q That was the town that was incorporated there the last few years in where you are living? A No not Centralia; they moved down and then made Ed Parker. There was two or three stores there.

Commissioner: Did you get out a Cherokee license when you married this wife, or did you just have a preacher marry you? A Just a preacher married us.

The applicant applies for the enrollment of herself, her husband and four children. The applicant is identified on the roll of 1880 and the roll as a Cherokee Freedman. She has lived in the Cherokee Nation all her life. Her change of name arising from marriage is established in a satisfactory manner, and she will now be listed for enrollment as a Cherokee Freedman. Of her four children named in the testimony, the three elder are identified on the Tams Clifton Roll. Her lawful marriage to her husband, the father of these four children, is established in a satisfactory manner; they are all now living. The first three will now be listed for enrollment as Cherokee Freedmen; and when she supplies the Commission with a certificate of birth of the youngest child, Mark Starr, this child also will be listed for enrollment as a Cherokee Freedman. As for the applicant's husband, Jack Starr, he states that he was a slave in the Cherokee Nation at the beginning of the Civil War, and that he has lived in the Cherokee Nation all his life, except a brief absence during the period of the war with the first Indian Regiment, and that he left the service when that regiment was mustered out in 1865, and that he was then with the regiment at Fort Gibson, Indian Territory. He claims to have then gone to the State of Kansas in a very short time, perhaps a few weeks after he left the service, for his wife and children, his wife at that time being his first wife who he states died before he married his present wife, and that he brought them back in the same succeeding August or September of 1866, and that he has lived in the Cherokee Nation ever since. He didnot marry his wife under a Cherokee license.

Q You married your first wife in slavery time, didn't you? A Yes sir.

Judgement continued.

And the only claim he makes to enrollment is of his own right. He is identified on the Tams Clifton Roll, but not upon the roll of 1880 or upon that of 1896. For the further consideration of the same testimony, he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

J.S.6

Supplemental.

Examined by W.W. Hastings, of Jack Starr, continued:

Q These men who had houses, whose names you have mentioned in your testimony as being down there when you came to Big Creek, they had their families, didthey? A Yes sir.

Q Had Sam Webber put in a crop of corn that year? A Well, he might have had a patch of corn. They had a roasting-ear patch.

Q When you come? A Yes sir.

Q All of them had small patches? A Yes, they didn't raise anything to amount to anything. I saw a patch around his house there.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) R.C. Rothenberger.

Subscribed and sworn to before me this 1st day of June, 1901.

(signed) T.B. Needles,
Commissioner.

SUPPLEMENTAL: D 443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., June 3, 1901.

Supplemental testimony in the case of Jack Starr for enrollment as a Cherokee Freedman.

Sam Webber, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows: Gallette & Smith, Applicants Attorneys, and J. S. Davenport, Cherokee Attorney, present.

Give me your name. A Sam Webber.

Q How old are you? A About 56 somewhere about there.

Q What is your post-office? A Nowata.

Q How long have you lived in the Cherokee Nation? A I was born here and went out and came back in '66 and been here ever since.

Mr. Gallette: Do you know the applicant, Jack Starr? A Yes sir.

Q Do you know when he returned to the Cherokee Nation after the war? A Yes sir.

Q When? A He come in the fall of '66.

Q Who came first, in the fall you or the applicant? A We come a little ahead, he came a few days after we moved, he settled there by us.

Q Where has he lived since that time? A Right there where he settled.

Q Has he - there now? A Yes sir.

J.S. Davenport: How did it happen that he didn't get on the 1880 roll? A I don't know.

Q You had a patch and was cultivating it when he come, didn't you? A Yes sir.

Q Didn't you have a roasting-ear patch when Jack Starr got down there? A No sir, didn't have no roasting-ear patch.

Q Is he mistaken then if he testified that you had a roasting-ear patch when he come? A He must be. I never had one until the next year.

Q When did you come back down there, Sam? A In July, and went back and moved.

Q What year in July? A In '66.

Q You came down before the treaty was made? A Yes sir.

Q And came back in that part of the year? A They got some to build we left there the latter part of July and stayed until August.

J.S.?

Q And stayed there until when? A We went back as soon as we could put up some shanties.
Q And come back in the fall? A Yes sir.
Q Did you clear out any patch there? A No sir.
Q Who was with you when you first come down there? A Russell Vann, my father, John Sanders, Reuben Sanders.
Q When these applicants came did they come with him? A Uncle Dave Hayes, Santa Ann Vivent and Theodore Smith and here.
Q He came then some time after you came? A Yes sir, not a great while behind us.
Q Was Bill Martin living there on Big Creek when he came? A No sir, he wasn't there.
Q Where was he living when Bill Martin came on Big Creek? A Right there where he made himself a place.
Q Has he been a recognized citizen up in that country, or a disputed one? A Well I wouldn't tell you all about that.
Q Well you have been around that country and preaching, you know who are citizens and who are disputed? A I have seen them let him vote and sometimes they didn't let him vote.
Q Has he been disputed? A They call him a disputed citizen.
Q There are a great many disputed citizens up there who have farms, have they? A Yes sir, they have farms there, such that are disputed.

Mr. Collatet: Are you on the roll citizen in Freedmen? A Yes sir.

Lewis Whitmire, being sworn and examined by Commissioner C. T. Precinnidge, testified as follows:

Q Give me your name? A Lewis Whitmire.
Q How old are you? A 62 years old as near as I know.
Q What is your post-office? A Hayden.
Q How long have you lived in the Cherokee Nation? A I never was out of the nation.
Q Not during the war? A I have been living there all my life, grown up there.
Q Were you out during the war? A I was part of the time in the nation with the Cherokee army, and the other part in Missouri and Kansas driving teams.

Mr. Collatet: Are you on the roll of 1880? A Yes sir.
Q As a freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, Jack Starr? A Yes sir, I know him.
Q Do you know when he returned to the Cherokee nation after the war? A Why I think I do.
Q When did you see him in the Cherokee nation after the war first? A The first place I seen him was up on Big Creek.
Q What time? A That it was about in the fall of '66. I don't know exactly what time.
Q Where was that you saw him? A Up here on Big Creek in the neighborhood where he lives now.
Q Where has he lived since that time? A He has been living there all the time to my best knowledge. I have noticed him there all the time. I never moved him to be out since that time.

Mr. Collatet: Can you remember it was in the fall of '66 you saw him up there? A Why it was called that year when he came there. That is the only I can remember.
Q Do you know how long he had been there when you saw him? A I saw him when he came in.
Q You didn't know where he was living before that? A No sir, I didn't.
Q You don't know where he was in any other year, where he had been during the preceding year? A He never has been [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Q That he didn't return in time under the treaty of '66? A Yes sir.
Q And still you think he came back there in '66? A Well I am real positive he did.
Q Did he come when Sam Webber came? A He come along a little time after Sam Webber did.
Q Well, when did Sam come, what year? A Sam came in '66.
Q Sam had a roasting-ear patch growing when this man came? A Not that I know of. I lived ten miles from there.
Q Well if this man testified that Sam had that patch is it true or untrue? A I can't tell you; I wasn't there maybe at the time that a corn patch was made and growing.
Q Did Sam Webber come early enough in '6 to have a corn patch?
A Sam Webber come in the summer of '66.
Q He couldn't very conveniently have had a corn patch growing by the time this fellow got there? A I couldn't tell you about that, but I saw him.
Q You couldn't swear positively as to what year it was, would you, Lewis? A Yes sir.
Q Would you swear positively it was '69? A That was what everybody called it at that time.
Q What year was the Wallace Roll made? A Well now sir, you are getting away from me. I don't date nothing, and I don't recollect.
Q You know it was made at a certain time and you were interested in that at that time as well as you were interested in the '66 treaty? A I was put on the '80 roll, but I don't remember when that was.
Q What year was the Verna Clifton Roll made? A I think it was in '96.
Q But you think it is positive that it was forty years ago when this man came here? A Yes sir, he come here in '6 when they called it over to me.
Q Did everybody call it to you? A Yes, they said it was 66.
Q Lewis, you don't belong to Nelson Murrell's Protective Association? A No sir, I don't.
Mr. Bell then: Now he asked you why this applicant didn't happen to be put on the roll of 1880, and he asked you if you don't know if it wasn't because he didn't get back here in '66. Do you know if anybody will say that he didn't get back here in '66? A No sir. I don't, if they know as much about it as I do.
Q Do you know of anybody that would swear, or did you hear of anybody that would swear he didn't get back here in '66? A No sir.
J.S. Davenport: You were living there by him in '80, were you?
A Yes sir.
Q And Sam Webber was living there? A Sam Webber lived close a neighbor, and I lived ten miles.
Q Both of you knew about the facts as much as you do now? A Of course we do.
Q Neither one of you swore for him before the Verna Clifton Commission? A I didn't.
Commissioner: Did you ever give evidence for this man, Jack Starr, at any time when he was trying to get on the roll? A No sir, I don't think I did.
Q How does it happen that there were so many living there who knew he had come back and yet let him stay under the cloud of doubtful citizen? A We couldn't put a man on the roll. We had nothing to do with the roll.
Q Couldn't you have given evidence? A We might have if they had called on us; they never called on us.
Q You were never called on to give evidence? A No, I may be one called and I could have gone in the land as I am living in now. [illegible] I think it is a fact that when the roll was made, the [illegible] people around through there [illegible] and in many

instances failed to call on people for evidence as to whether they came back in time or not? A Well I dont know whether they did that or not. I know they failed to put them on because they had them already enrolled as doubtful citizens in that year when they made the roll. They were already enrolled.

Q Do you know the 180 cases for the Freedmen in behalf of the Cherokee Nation on in your neighborhood? A Up in my neighborhood, I know the man well.

Q Who was that? A Dick Buck and John Hicks.

Q Dick Buck is a Cherokee and talks pretty fair English? A Yessir

Q He is. Does a full blood? A Yes sir.

Q He lives down in Catoosa? A Yes, he is the man that took my family down, he and John Hicks.

Q And Dick Buck is the man that came to your house? A Yes sir.

Q Was John Hicks on in that country at all? A John Hicks was with him when he came to my house; they ate dinner with me.

Q Do you know whether Dick Buck is an educated man or not- can he write? A I dont know whether he can. I am not well acquainted with him about that.

J.S.Davenport: Q You know as a matter of fact that when any parties were placed in 1880, that there was created a revising committee to perfect that roll and put them on in the year 1880? A I dont know that-- Davenport: there might have been.

Q Do you know Moses Whitmire? A Yes sir.

Q Do you know that Moses Whitmire and his family were added by the revising committee and that the 1880 roll shows it if you had examined it? A I never examined it. I can't read. I would have to have somebody examine it for me, and I never had anybody examine it for me.

J.S.Davenport: I want to show that Moses Whitmire and others had been added by the revising committee in 1880, which relates to Moses Whitmire.

Commissioner: I think that would be a very peculiar proceeding, there is no law for a revising committee, and it is immaterial in this case.

Commissioner: There may have been a revising committee and it is [illegible] a general fact at this time that in a number of cases names were added to the roll of 1880 by the revising committee; this committee may have had power before the final adoption of the roll to do both add and strike off names, as the [illegible] name of the committee would indicate, but the existence of such power on the part of the committee would not of itself be material consideration as to the rights of a claimant under the treaty of 1866, but those have does not appear upon the roll as made.

Commissioner: Now Lewis Whitmire, when these people who were taking the census of 1880 came around to put you on the roll, what did they ask you that for? They go to find out whether you were entitled to be on that roll? A They just asked me if I was recognized by the Cherokees and I told them, yes, and I supposed they knew I was recognized by the roll, but they didn't put my family on. My father's child off my step-child. I walked right in [illegible] mother when she was a little over [illegible] Lone; she was working out and they [illegible] on the roll.

Q [illegible] that child's mother a Cherokee Freedman? A Yes sir.

Q [illegible] Negro? A Yes sir.

Q [illegible] for keeping that child off? A Why [illegible] and I suppose they thought she was grown; she [illegible] they thought she was a grown woman. [illegible] she was working out. [illegible] didn't put [illegible]

they got to my brother's, and she went to another neighbor's and they never did put her on.
Q Did they ask you at that time what year you came back from Kansas
A They asked me if I was recognized, and they opened a book and that was all.
Q Now this man, Jack Starr, had he been treated as a doubtful man before that time? A Yes sir, I suppose he had.
Q Had you heard before that that he had been called doubtful?
A I heard that before the election. I heard he was a doubtful citizen one year before that at an election time, and I can't tell how far before that.
Q Had they ever bothered you before that about voting? A No sir, they never did after they recognized me in the Supreme Court, but they did one or two years before I went to the court and proved my right.
Q That was before the roll of 1880, was it? A Yes sir.
Q So you had gone to the court and proved your rights? A Yes sir.
Q Did you tell the enrollment officers that? A No sir, they knowed it.
Q Well now do you know whether Jack Starr ever went there to prove his rights? A No sir I don't.
J.S.Davenport: What was the name of that step-daughter of yours?
A Lizzie.
Commissioner of Applicant, Jack Starr: Did you ever apply to the Cherokee Court up at Tahlequah to have your rights as a Freedman recognized? A I went once when Rob Daniels had a court after they took about a paper, and it didn't say anything about colored or Indian, and it said "Come and prove your right."
Q You went up there? A I went up there on horse back.
Q What did they do when you went up? A They laughed at us and said for us to go back and go to work.
Q Do you remember when Lewis Thimmire went up there to have his rights proved? A Yes sir, there was another court sitting. I believe they called it the Chamber's Court.
Q Did he go after you or before you did? A He went after I did; he went to the Chamber's court; they admitted him.
Q Well you didn't go to the Chamber's Court? A No sir.
Q So that is all you had to do with courts about the business?
A The principal chief, Will Penn Adair, I believe, when I went down there, they said to go to the government they freed you, go to them.
Q Well you didn't stop at that; you went to the Court and found out they weren't dealing with colored people? A Yes, that was the same time; he was in the same house there at Tahlequah, and we came back home.
Mr. Wilson: Well Jack, how long had you been free at that time?
A Well it must have been; I didn't know exactly; it must have been four or five years or three or four.
Q Did you know anything about business matters? A No sir.
Q Did you ever attempt to understand anything about Courts? A No sir.
Q Are you able to read and write? A No sir.
J.S.Davenport: Well Jack, you went back with Sam Webber to the Cherokee Nation after the war? A No sir, I came a little after he did.
Q Do you know whether or not Sam Webber applied to the Rob Daniels' Court to establish his rights as a Cherokee Freedman? A Well [illegible] was things got hurry up so, I believe the old [illegible] that.
Q [illegible] that Sam Webber and [illegible] Johnson Webber and Charles Crawford applied to [illegible]
[illegible]

Q Don't you know they applied and were admitted by the Rob Daniels' Court? A No, sir.
Commissioner: Did this man go the same time you did? A There was some of them went. I aint certain whether Sam Webber went. I think old man Webber was along. I forget about Sam, and I don't know anything about this man or not.
J.S.Davenport: Was Johnson Webber along? A I don't remember.
Q Or Harry Still, was he along? A I don't know whether he was along. I know Mike Sanders was along, Caesar Smith, a whole lot of them was along.
Q Do you remember what year it was that you went down there to the court? A No sir, I don't.
Q Was it a few years after you came back to the territory? A Yes sir, it wasn't more than one year or two years.
Q A short while after you came back? A It might have been three.
Q Have you no recollection at all; you live in the Webber neighborhood- did you hear of them talking about their going down there and proving their right? A No sir, I know they went down there a time or two. Old man Webber, they owned him down there somewhere, and he went down among the full bloods and around in there.

Lewis Whitmire recalled and examined by Commissioner.

Q Did Jack Starr go to Tahlequah the same time you went there to get your rights proved up? A No sir.
Commissioner of Applicant: Did you go with oldman Sam Webber? A Yes sir.
J.S.Davenport: Didn't old man Sam apply and his family and Johnson Webber? A Well I couldn't tell.
Commissioner: Did this Sam Webber who testified in your case, did he apply the same time you did down at Tahlequah? A Well I aint certain whether he was in that crowd, but he applied to the Chambers' Court, I think.
Q Is this the son of old Sam? A Yes sir.
Mr.Mellette of Applicant: Did they tell you to bring your witnesses and prove that you had come in in time to be a citizen? A No sir, they didn't. They told us at that Court to go home and go to work, they were not calling for niggers; we didn't want you; that is what they said.
Q You didn't know anything to do but to go home? A I didn't know anything else to do but to go home. I didn't have much of a home to go to.
J.S.Davenport: Well they didn't tell old man Sam Webber to do that; they didn't tell him to go home then? A If he was in the crowd they told him.
Q Was he in the crowd? A One of the Sam Webbers was along, I think; Mike Sanders and Caesar Smith; there were thirty or forty of us, and they told us all to go back.

Moses Whitmire, being sworn and examined by Commissioner D.H.Breckinridge, testified as follows:

Q Give me your full name. A Moses Whitmire.
Q How old are you? A Why I am seventy some odd years old- 75 I expect.
Q What is your post-office? A Hayden.
Q How long have you lived in the Cherokee Nation? A Well, I lived in it all my life.
Q Are you on the roll of 1880? A Yes sir.
Mr.Mellette: Mose, where were you when the 1880 roll was made? A I was on Lightning Creek.
Q Who took the census for the Cherokees up there? A John Hicks and Dick Duck.
Q Did they put all of your family on the 1880 roll? A No sir.
Q How many did they leave off? A Two.
Q Which ones? A Ed Wright and Melissa Hatcher.

Q Were they members of your family? A There was my wife's niece, Melissa was, and Ed was my wife's son. I brought them with me.
Q Where from? A From Kansas.
Q You brought them when you came? A Yes sir.
Q Had their parents been slaves? A Yes sir.
Q And you brought them with you when you came from Kansas?
A Yes sir.
Q You are on the roll of 1880? A Yes sir.
Q Did you give them their names? A Yes sir, I gave their names in.
Q Did they take them? A Yes sir, they took them alright.
Q But they were left off? A Yes sir.
Q There are these people now? A They are here.
Q On the ground? A Yes sir.
J.S.Davenport: Mose, there has never been any controversy about your return in time under the treaty, has there? A I don't know that there has.
Q Did you ever go to any of the Courts to prove that you returned in time? A Yes sir.
Q You proved up, did you? A Yes sir.
Q When John Hicks and Dick Duck came to your house, did they refuse to list any of your family? A Yes, those I told you about.
Q You say they took the names? A They took the names, but they are not on any roll.
Q Didn't you say they took theirnames? A They took their names, but they never put their names on any roll.
Q They listed them and never questioned anybody about their rights to be enrolled? A Not at my house.
Q They didn't question you that these two children were a part of your family, did they? A No sir, didn't say anything about it.
Q In fact, Mose, didn't the Freedmen like yourself and Lewis Whitmire furnish them with reference to those that had been decided against by the Court and held not to be Freedmen who had not returned in time? A No sir, we went to all the courts.
Q But you didn't apply to any but the Rob Daniels' Court? A I applied to the Chambers' Court ; thatis where we got our rights.
Q The Rob Daniels' Court wouldn't have anything to do with mmus.
Q You had no trouble of proving up, Mose? A No sir, I didn't have no trouble.
Mr.Mellette: You went to the Rob Daniels' Court and he told you he wouldn't have anything to do with you? A He told us to go back home; they said they weren't working with us; they were working with Cherokee Indians.
Q Then when you went back to the Chambers' Court who did you go to see? A We went before John Chambers, I forget who they all were.
Q Did you have a lawyer? A Yes sir.
Q A Cherokee lawyer? A Yes, sir.
Q Who was it? A Old J.B.Boudinot.
Q He took you in before the Court? A Yes sir, and gotus a certificate that admitted us.
Q Well suppose a man didn't have anything to employ a lawyer when he got there? A Well I don't know what about it.
J.S.Davenport: Was Joshua Whitmire any relation to you? A Yes sir.
Q Didn't he apply to the Rob Daniels' Court and was admitted?
A I don't know what Court admitted him.
Q Have you been living in the neighborhood that he lived? A Not at that time; he was living at Tahlequah at that time.
Q He applied to some court and was admitted? A Yes sir.
Q You know Sam Webber applied to the Rob Daniels' Court and was admitted? A No, he wasn't admitted because we were altogether. He might have been admitted afterwards.
Q Do you swear that Sam Webber and his children weren't admitted as Freedmen and entitled under the treaty of '66 by the Rob Daniels' Court? A I know we were there altogether and we left together, and they might have gone back, and I went down to Sam Webbers and

a whole lot of us.
Q Who else besides Sam Webber? A I don't know who all.
Q Was Johnson Webber along? A I don't know.
Q Was Charles Campbell along? A No sir, he wasn't along.
Q You did go with Sam Webber? A Yes sir; Mike Sanders.
Q And you don't know whether Bob Daniel's Court admitted him or not? A No sir, I know they were admitted by some court; they didn't do it at that time.
Q You know what court admitted them, don't you? A No sir, I dont know.
Q You have been the trustee for the Freedmen of this country in all the litigations, haven't you? A I have for years.
Q And you know all about the Freedmen? A I don't know them all; I know some.
Q You have known Sam Webber for years? A I have known him all my life.
Q And then don't know what court admitted him? A No sir, I never inquired about it.
Q But you went with Sam Webber to the Bob Daniels' Court? A Yes sir, and I went into the Chamber's Court.
Q Did Sam apply to the Chamber's Court A/I don't know; we went right on ourselves.
Mr.Mellette: Did you put up any money when you went down there to your lawyer or to the Court? A ~~No~~ O, no sir, we paid our lawyer for his services.
Q How much did you pay him? A I believe I gave him a horse. I paid him for my cases, for the two cases; there were three cases, four with my wife.
Q You never made any money adway until you did get a lawyer, did you? A No sir, I didn,t.
Commissioner: Did Jack Starr go with you any time to the Court? A Well I guess Jack Starr was along the time we went to the Bob Daniels' Court.
Q Do you remember it? A Yes sir, I remember it.
Q Did you get any satisfaction out of the court at that time?
A No sir, I didn,t.
Q It was afterwards that you went to the Chambers Court? Was it
A Yes sir, afterwards.
Q Did Jack Starr go with you? A No sir.
J.S.Davenport: I would like to offer that part of the minutes in the Sam Webber case found on page 64 of the Minutes of Special Court of Commissions of the Supreme Court of 1871.
Mr.Mellette: I object to that because the action of the report in the Webber case is not material in the case at bar. I desire to object to the introduction of that because it is not a proper authenticated processing of that court, and because the introduction of the admission of Sam Webber is not material in the case before the Commission.
Commissioner Breckinridge: I would like to ask the representative of the Cherokee Nation if this journal of the Court was kept by the order of the Court and approved at regular periods of the court.
J.S.Davenport: It was kept by the Clerk of the Supreme Court; and the power to hear and determine these character of cases by the Supreme Court, and the Clerk of the Supreme Court kept the record.
Commissioner: But the point I want to inquire about is whether that record kept by the Clerk was by the order of the Court?
J.S.Davenport: Yes sir.
Commissioner: And if the record is approved at stated periods by the Court.
J.S.Davenport: Yes sir, they required the Clerk to keep it

as the proceedings were had.
Commissioner: But it wasn't approved by the Court? A No sir, he was told to keep a correct journal of the proceedings of the Court.

Commissioner Breckinridge: The Cherokee Council is desired to supply the Commission with the book of minutes of the Special Court of Commission, Supreme Court, 1871, when they are through with the use of it in these current proceedings. But the present examination of the minutes does not indicate that these minutes are of the nature of an approved journal.

Sam Webber recalled by Commissioner Breckinridge:

Q Did you go with your father to Tahlequah? A Yes sir.
Q When he went there to prove your rights as a Cherokee Freedman?
A Yes sir.
Q Did Jack Starr go with you the same time? A I can't remember whether he went or not, there was a big crowd that went.
Q Did you go there more than once? A I never went with him but the one time, but there were others went after that.
Q I am talking about you and your father. You and your father went once? A Yes sir.
Q And that is all you and he went? A Yes sir.
Q That was before the Chambers' Court sat? A Yes sir.
Q Did you and your father get your rights acknowledged by the Court you went to? A We did that time.
Q You were never called in question afterwards? A No sir.
Q Did you employ a lawyer? A No sir, we didn't employ a lawyer.
Q Did you go with your father before the Court? A I didn't go in; father went in.
Q Did your father employ a lawyer? A No sir, he didn't employ a lawyer; he told me that.
Q Do you know anything about Jack Starr applying at that time?
A No, sir, I don't know whether he did.
Q Do you know whether he went into the Court or nor with your father? A No sir.
Q Do you know whether he went into the Court at all? A No sir.
Q Did you have any talk with Jack Starr about the proceedings of that Court before you left there? A No sir.
Q Have you ever talked with him since about it? A No sir.

This will be filed as additional testimony in Cherokee doubtful case 443.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) E.G. Rothenberger

Subscribed and sworn to before me this 9th day of July, 1901.

(signed) T.B. Needles.
Commissioner.

SUPPLEMENTAL D- 443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 24, 1901.

In the matter of the enrollment of Jack Starr as a Cherokee Freedman, [illegible], being sworn by Commissioner Needles, testified as follows:

[illegible] By Joseph Brown, for the applicant;
Mr. W.V. Hastings, for the Cherokee Nation.
BY MR. BROWN:

J.S.15

Q State your name? A Harry Still.
Q What is your age? A 54; my post-office is Hayden.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q You know Jack Starr? A Yes sir.
Q You know when he returned to the Cherokee Nation after the Civil War? A When I saw him in '66.
Q Where has he lived? A On Big Creek, ever since.
Q Has he any children? A Yes sir.
Q You know whether he has a child named Charley Starr? A I know him well; I have knowed him all his life.

BY MR. HASTINGS:

Q Where did you see Jack Starr first after the war? A First time I saw Jack Starr after the war was in Mt. Scott.
Q But where in the Cherokee Nation? A On Big Creek.
Q What place on Big Creek? A Where he lives now, about half a mile from where he lives now, in the edge of the timber.
Q That's where you saw him? A Yes sir.
Q That was in '66? A Yes sir.
Q That was in '56? A Yes sir.
Q How long before Christmas? A Sometime in November.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.

Subscribed and sworn to before me this July 8, 1901.

(signed) T.M.Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original.

Subscribed and sworn to before me this November 22nd, 1901.

Notary Public.

To be filed with Jack Starr, et al D 443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 7,1901.

In the matter of the application of Lizzie Starr for the enrollment of hers elf as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, she testified as follows:

* * * * * * *

SAM WEBBER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Sam Webber.
Q How old are you? A About 58, as near as I can remember.
Q What is your post-office? A Nowata.
Q How long have you lived in the Cherokee Nation? A I was born here, and returned here in '66, and have been here ever since.
Q Are you on the roll of 1880 as a Cherokee Freedman? A Yes sir.
Q Do you know this woman here? A Yes sir.
Q What is her name? A Lizzie Starr.
Q What is the name of her father? A Jack Starr.
Q Has she got a brother named Charley Starr? A Yes sir.
Q You know his wife? A Her name was Hannah Whitmire before he married her.
Q How do you know this woman's mother? A Yes sir.
Q What was her name? A Charlotte Starr.
Q Was she a slave in the Cherokee Nation when the war broke out?
A Yes sir.
Q Have you know this woman all her life? A Yes sir.
Q Has she livedin the Cherokee Nation all her life? A Yes sir.
Q She is a daughter of Charlotte and Jack Starr? A Yes sir.
Q Charlotte is dead? A Yes sir.
Q Been dead many years? A Yes sir.
Q To whom did Charlotte belong before the war? A Johnson Whitmire.
Q Was Johnson Whitmire a recognized citizen of the Cherokee Nation? A Yes sir.
Q You knew him as much did you? A Yes sir.
Q Where did Charlotte and Jack go during the war? A They went to Kansas.
Q Do you know when they came back from Kansas? A Yes sir.
Q When? A They came back in the fall of '66, just behind us, in the crowd of Dave Hayes and them.
Q Did they have any children living at that time with them? A Yes sir.
Q Who was with them? A Had a son theycalled Aaron Burr Starr, he died.
Q How long has he been dead? A I couldn't tell you exactly ,it has been right smart little bit.
Q Do you know when Charlotte and Jack were married? A No sir, I don't know nothing about their marriage, it seems they were married before the war; they were together.
Q Back in slavery days? A Yes sir.
Q Did they live together until Charlotte died? A Yes sir, right there on the Creek.
Q How long after you got back was it when Charlotte and Jack got back? A It wasn't but a few days, they was on behind us, and come in a short time after we moved in there.
Q Did they settle in the same neighborhood where you did? A Yessir
Q Did they live there until Charlotte died? A Yes sir, right there.
Q When was it you got back? A We got back in the first part of April, of '66.
Q And they came in a few days afterwards? A Yes sir, short time after.
Q And Charlotte lived there until she died? A Yes sir, lived right

there and died there.
Q Did she live with Jack until she died? A Yes sir.
Examined by Cherokee Rep've Davenport:
Q Which came back first to the Cherokee Nation here after the war, Jack Starr and his family, or Abraham Ward and his family? A Jack Starr.
Q How long after that was it until Abraham Ward and his family come? A They come later, it was getting cool.
Q Was it a month or two months or a year? A It was not quite two months, I know, before they pulled in there.
Q You sure it wasn't two months? A No sir.
Q You are then sure that Jack Starr and his family didn't get back to the Cherokee Nation any more than two months before Abraham Ward and his family came? A No sir, not that much I know.

* * * * * * * * * *

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(signed)M.D.Green.
Subscribed and sworn to before me this August 15,1901.
(signed)T.B.Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this November 22,1901.

COMMISSIONER.
Notary Public.

To be filed with F.B-300.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the applicationof Frances Anderson for the enrollment of herself and five grand children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for applicants.
Mr. Davenport, for the Cherokee Nation.

Q Give me your full name? A Frances Anderson.
Q How old are you? A 56.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A Ceoweeseewee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody else besides yourself? A Yes, sir.
Q Who? A I have some orphan children, children of my dead sister, two dead sisters.
Q How many of these children have you got in your charge? A There is five children that is not grown.
Q They are not your own children? A No, sir.
Q Have you any children of your own that you want to apply for?
A No, sir.
Q Have you a husband that you want to apply for? A No, sir.
Q It is just yourself and these five children? A Yes, sir.

Examined by attorney Mellette:

Q When were you married to Anderson? A About 10 or 15 years ago.
Mellette: You had better apply for him too.
By Com'r Breckinridge:
Q Did your husband when he married you get out a Cherokee License?
A No, sir, he got the minister and went to the clerk and the clerk doubted me being a freedman and he wouldn't give him a license.
Com'r. Hardly worth while for him to apply, as he didn't get a license.
Mr. Mellette: All right.
By Com'r Breckinridge:
Q Your husband is a state man is he? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Principally all my life.
Q Were you a slave in the Cherokee Nation when the war came on?
A Yes, sir.
Q To whom did you belong? A Nancy, Wattie and Nancy Adair.
Q Well they were recognized and well known as Cherokee citizens?
A So far as I know.
Q Where did they live? A In Flint district, Cherokee Nation.
Q Where did you go when the war came on? A Went to Kansas.
Q What time did you come back from Kansas? A In '66.
Q What time in '66. A Along about September or October, I believe, somewhere along in the fall.
Q Where have you lived since that time? A Part of the time on Grand River and part of the time here in Ceoweeseewee.
Q Have you lived all the time since you came back from Kansas in the Cherokee Nation? A Yes, sir, my home always has been here.
Q You have been out some though? A Yes, sir.
Q Where have you lived when you have been out? A I went to Oklahoma, nursing, and then I went to Colorado on some business and then I went to Eureka Springs, I went there because I was sick and I couldn't help myself and I went there for the benefit of the water.
Q Is that all? A Yes, sir.

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Q Have you ever been back to Kansas? A Yes, sir.
Q You have been back there since you came in '66? A Yes, sir.
Q Give me the name of your father? A My father was Joe Curry.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee Freedman? A I think he was, he died when I was little, I don't know nothing about it.
Q Give me the name of your mother. A Polly Adair.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A It has been a long time.
Q How many times have you been married? A I have been married twice.
Q Give me the name of your first husband? A Carl Landrum.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q When did you marry him? A In '65.
Q When did he die? A I don't know what year.
Q He died more than 20 years ago? A I don't know, sir.
Q Well give me the name of your second husband? A William Andersen.
Q Is he alive now? A Yes, sir.
Q Is he a state man? A Yes, sir.
Q When did you marry him? A It has been between 16 and 17 years I guess.
Q Was the first husband dead when you married this husband? A Yes, sir.
Q Is there someone here who knows about your being married to these men? A Yes, sir.
Q Give me the full names of these children you have got charge of, beginning with the oldest? A (Produces papers)
Q Roxie Steel 19, next child is Mary Steel? A Yes, sir.
Q Is she 16? A Yes, sir.
Q Next child is Joe? A Yes, sir.
Q 13? A Yes, sir.
Q Next child is Willie? A Yes, sir.
Q He is 10? A Yes, sir, she is a girl.
Q Now Myrtle, she is eight years old? A Yes , sir.
Q Are these children all living now? A Yes, sir.
Q Give me the name of the mother of these children? A Rachel Steel.
Q Was she your full sister? A No, sir, half sister, one mother.
Q You had the same mother? A Yes, sir.
Q What was her father, a Cherokee Freedman? A Yes, sir.
Q Q Is he alive or dead? A Dead, he was Martin Adair.
Q How long has he been dead? A I don't know sir, been a long time.
Q And then you had the same mother? A Yes, sir.
Q Now give me the name of the father of these children? A Harry Steel.
Q Is he dead? A No, sir.
Q Is he a Cherokee Freedman? A No, sir.
Q State man? A Yes, sir.
Q What was your name in 1880? A (No reply)
Q Did you go by the name of Adair when you were a girl? A Yes, sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified.

Q Did you draw strip money? A Yes, sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 130 #5251 Frances Anderson, Cooweescoowee District.

Q Was your sister Rachel Steel at the time of the Kerns-Clifton payment? A Yes, sir.

[illegible] you are mistaken before the war? A Yes, sir.
years? A Yes, sir.
Q Who c[illegible] about her[illegible]well, [illegible], sir.
A [illegible]

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Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's grandchildren identified on
page 137 #3405 Raxey Steel, Ceoweescoowee District.
page 137 #3406 Mary Steel, Ceoweescoowee District.
page 137 #3407 Joe Steel, Ceoweescoowee District.
page 137 #3408 Willie Steel, Ceoweescoowee District.
page 137 #3409 Myrtle Steel, Ceoweescoowee District.

Q Now your sister who is dead, she is not on the roll of 1896 or 1880 either? A I guess not, she is on the Wallace roll.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's sister, Rachel, and not found.

Q Now your husband, Carl Landrum, he died before 1880 didn't he? A Yes, sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for Carl Landrum, and name not found.

Q Do you know why neither you nor your dead sister Rachel are not on the roll of 1880? A I couldn't tell you why.
Q How old was your sister Rachel when she died? A I guess she was 37.
Q Did she come back with you from Kansas? A Yes, sir.
Q You came back at the same time she did? A Yes, sir.
Q How old was she when she came back from Kansas? A I don't know sir.
Q Did your father die before your mother? A Yes, sir.
Q What was Rachel's name before she married? A Rachel Adair.
Q Rachel is a good deal younger than you? A Oh yes, sir, she was born before the war.
Q Born after the death of your father? A Yes, sir.
Q Rachel was not born before the war? A Yes, sir.
Q Then you are mistaken about her---well, she has been dead some years? A Yes, sir.
Q Who came along with you at the time you came back from Kansas?
A Julia and Nancy.
Mr. Mellette: Were they your sisters? A Yes, sir.
By Com'r Breckinridge: Q And your step-father? A Yes, sir.
Q And your mother? A Yes, sir.
Q Now what was the name of Rachel's father? A Martin Adair.
Q Is he dead? A Yes, sir.
Q How long has Martin Adair been dead? A I couldn't tell you.
Q Well was he a slave in the Cherokee Nation when the war came on? A Yes, sir.
Q Who was it he belonged to? A Yes, sir.

By Attorney Mellette:

Q Your sister, Julia, returned with you and your father and mother in '66? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Who owned her? A Nancy Adair and Wattie Adair.
Q Same one that owned you? A Yes, sir.
Q Is she dead? A Yes, sir.
Q Has she any living children? A Yes, sir.
Q What are their names? A Ahie and Marion, Eva, Ethel, Cretwell and Ruth and Hart.
Q Who is this Nannie Tipps? A She was Nannie Adair too.
Q She is your sister aint she? A Yes, sir.
Q What was her name? A She went by the name of Nancy Adair.
Q You had a sister named Nancy Adair? A Yes, sir.

Q And what is her name now? A Nancy Tipps.
Q Who owned her? A Nancy and Watt Adair.
Q They were Cherokee Indians? A Yes, sir.
Q Has this Nancy Tipps now any children? A No, sir.
Q When you came back to the Cherokee Nation in '66 where did you go, what part of the country did you go to? A On Grand River.
Q And you say you have lived in the Cherokee Nation since that time? A Yes, sir.
Q Now did your sister, Rachel Steel, live in the Cherokee Nation after that time all the time? A Yes, sir.
Q And your sister, Nancy Tipps? A No, not all the time; she went out working, went out to work some of the time.
Q How long would she stay when she would go out to work? A She would s tay sometimes six months and sometimes five months.
Q Where was her home all that time? A She lived with Julia sometimes and with myself sometimes and with her sister Rachel sometimes.
Q I mean did she call her home the Cherokee Nation? A Yes, sir, called her home in the Cherokee Nation.
Q You know anything about Rachel Steel's marriage to her husband? A I couldn't tell you much about it.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNS UNTIL 10'CLOCK, P. M.

AFTERNOON, 1 O'CLOCK. This case continued, present, as before noon.

Applicant examined by Cherokee Rep've James Davenport:

Q Where did you go when the war broke out? A Fort Scott.
Q Where were you living with the war broke out? A On the Jim Bell place.
Q Where was that? A Near the mouth of Spavinaw on Grand River.
Q Cherokee Nation? A Yes, sir.
Q Who was your owner at that time? A Miss Mary Adair and Dr. Adair.
Q That was Dr. Wall Adair and wife was it? A Yes, sir.
Q You knew where they went during the war? A He left me right there, I don't know where they went to.
Q Who did you come back with to the Cherokee Nation? A With my husband.
Q Who else? A And my step-father.
Q Who was your step-father? A Martin Adair, and Polly Adair, my mother.
Q Did you come back before or after the Treaty was made? A I came back in the fall of '66.
Q Was that before or after the treaty of '66 was made? A I couldn't tell you that.
Q Had you heard anything about the treaty before you come or after you come? A I heard about it before I came, but I don't know whether it had been made or not.
Q Did they tell you it had been made? A I never heard anyone say.
Q How old were you at that time? A I am pretty near 84 now, you will have to count it.
Q You were nearly 20 were you at that time? A I reckon, I don't know sir.
Q When you came back to the Cherokee Nation to what point did you go? A I came to Cabin Creek first.
Q What part of Cabin Creek? A I couldn't tell you what part it was either.

Q That part of it that is in Kansas, or that part of it that is in the Cherokee Nation? A In the Cherokee Nation.
Q You don't know what locality or settlement you went to? A I think it was near Rock Creek.
Q When you got back there, who was living near you? A No one.
Q Did you see no one when you first stopped? A Yes, sir, Uncle [illegible].
Q He was living there? A He was camped there, he was living, but he had no house there.
Q Who else did you see, if anyone? A I don't know whether it was the same day or next day that I seen Mr. Webber, I don't remember that. I seen him before I left there.
Q Whith Mr. Webber? A Sam Webber.
Q Do you remember whether or not you were above or below where Cabin Creek and Rock Creek come together? A I don't remember that either.
Q Where were you from the old Military Road that crossed Cabin Creek there, from Fort Gibson to Fort Scott? A I don't know, that wasn't far.
Q Were you on the east side or the west side of where the Military Road crosses? A It must have been on the east, I don't remember.
Q You know Rock Creek runs into the Cabin before it gets to where the Military Road crosses Cabin don't you? A I believe so, I won't be positive.
Q You have been in that country often since the war haven't you?
Q Often, yes, well not so often either.
Q You have crossed Cabin Creek where the Military Road crosses?
Q I guess I have.
Q Don't you know Rock Creek runs in above that crossing? A I don't remember.
Q [illegible] remember did very well? A Well, that's all right.
Q That's all you want to remember, isn't it, aunt Frances?
A It is something we should remember, I think.
Q The time [illegible] there is something you should remember too? A Yes, sir.
Q And to what point you came? A Yes, sir.
Q What was Webber going when you saw him? A I think he was going back up North.
Q Where had he come from? A He was here in the Territory.
Q What points in the Territory? A Somewhere on Cabin Creek.
Q Don't you know that Webber claims to have come back up on Big Creek and not Cabin Creek? A He was there located on Cabin Creek when I met him.
Q Where was he going? A Going North I think.
Q You Don't know whether he had been coming towards home or going away from home? A I guess he must have been going from home.
Q Did he tell you where he was living, and if his family was located? A If he did I have forgotten; I didn't talk to him much. We had quite a little talk, he talked more with the old folks than with me.
Q You don't remember what year that was in, of your own knowledge?
A Everybody said it was 1861.
Q Had Abraham Ward come to this country before your come? A I don't know.
Q Didn't you live up there in Kansas right near Abraham Ward?
A Not at that time.
Q Did you know Abraham Ward before you came back to the Cherokee Nation? A Yes, sir.
Q Was he here when you came? A I never saw him.
Q After you were down there on Rock Creek and saw Mr. Webber, don't

did you do then, where did you go then? A To Grand River.
Q What point on the Grand River? A Near the mouth of Spavinaw on Grand River.
Q On which side? A I guess it was on the east side.
Q Where did you cross the Grand River? A It was on this side of the river, I guess.
Q Is the Jim Bell place on this side of the river? A No, sir, it is on the other side, as well as I can remember.
Q How long did you stay over there? A I don't know sir, stayed there quite a while.
Q Where were you When the 1880 roll was made? A I was in the Indian Territory.
Q Did you apply to be enrolled? A No, sir.
Q Your sister Rachel, was she older than you? A Younger.
Q She was born after you returned from Kansas? She was born in Flint District, Cherokee Nation.
Q Was she born before or after the war? A Before the war.
Q You had other sisters? A Yes, sir.
Q Did they come back with you? A Yes, sir.
Q How many of them? A Nancy and Rachel and Julia.
Q Did you have any other of your family? A Mother and father.
Q Nancy and Julia are the ones that are dead? A Julia is dead and Rachel is dead.
Q Isn't Nancy dead too? A No, sir.
Q Where is Nancy? A I just showed you her certificate a while ago.
Q You had lived in other places hadn't you, other than Kansas, since you came back? to this country? A I lived in Ottawa, Kansas.
Q Did you ever live in Colorado? A No, sir.
Q Never was up there? A I have been there.
Q How long did you stay there? A About two months, and of course I was living.
Q What part of Colorado was you? A Colorado Springs.
Q Did you have your family with you when you was up there? A no, sir.
Q Only stayed two months? A Just about two months.
Q How long did you live in Kansas after the war? A I stayed there until '65, stayed there until I was married in the year '65, and left there in '66.
Q You were married in Kansas? A Yes, sir.
Q Your husband a freedman or a state man? A Freedman.
Q What was his name? A Landrum.
Q How long have you lived in Arkansas? A I went to Eureka Springs, is that in Arkansas?
Q Yes, mam. A I stayed there nine months.
Q That all? A That's all.
Q Have you ever lived any other place except Eureka Springs in Arkansas? A No, sir.
Q How long have you lived in Oklahoma? A I went there with A. J. Blackwell's wife, and was nursing her, and stayed there two or three months.
Q You got there about the time A. J. Blackwell located the town of Blackwell, Oklahoma? A It was quite a little town when I was there. I went there time they kept arresting him so much, I went there and stayed with him wife through confinement.
Q That was about the time their girl was born? A Yes, sir.
Q That was about 1895? A I don't know.
Q It was in the fall before his girl baby, the only one they have that are girls, was born? A Yes, sir.
Q You say you went there about the time he was being arrested so much here? A Yes, sir, I think it was in March that I went and I think it was about the first or 5th of April when I came back I think, I won't be positive.

Q You didn't stay there but just a little while? A Just with her through confinement.
Q You think it was March you went there? A I won't be sure.
Q Was Blackwell ~~thmm~~ home when you went there? A Yes, sir.
Q You stayed there about two years, didn't you? A No, sir, I can prove it by those McSpaddens or any of them.
Q Where did you go after you left Oklahoma? A I came back home.
Q Did you ever live in Texas any? A No, sir, I don't know what Texas looks like.
Q How long did you stay in the Cherokee Nation? A Never was out.
Q Never lived anywhere but Kansas, Colorado, Arkansas, Oklahoma and Indian Territory? A If Eureka Springs is in Arkansas, I stayed there nine months, and then come back to the Territory.

By Attorney Mellette:

Q Did you say you went to Eureka Springs for your health? A Yes, sir.
Q You didn't go there to stay? A No, sir, I need to go there now, looks like my heart is about to jump out; these men look like they are trying to scare old women to death.

DAVID FRENCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A David French.
Q How old are you? A 72.
Q What is your postoffice? A Lenapah.
Q How long have you lived in the Cherokee Nation? A I come with them from the Old Country, from Tennessee.
Q Way back before the war? A Yes, sir, in the spring of '39 we got into this country.
Q Were you out of this country a little while during the war?
A Not much, I stayed with the soldiers; the war ketched me at Gibson.
Q Have you lived in this country ever since the war closed? A Yes, sir.

Examined by Attorney Mellette:

Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes, sir.
Q You know this applicant, Fannie Anderson? A Yes, sir.
Q Did you know her mother, Polly Adair? A Yes, sir.
Q Did you know her step-father, Martin Adair? A Yes, sir.
Q She had a sister named Julia, who married Montgomery? A Yes, sir, I knowed them all.
Q She had another sister, married Steel? A Yes, sir, I know her.
Q There is another sister, Nancy Tipps she is now? A Yes, sir, I know her.
Q Do you know when these people returned to the Cherokee Nation after the war, did you see them? A I saw them.
Q When did you see them? A It was late in the fall of '66.
Q Where did you see them? A I saw them on Cabin Creek, they was coming South and I was going North.
Q Whereabouts on Cabin Creek? A It was not very far from the ford where it crosses Cabin.
Q What road was that on? A On the Military road, going up to Fort Scott.
Q It was the Military road leading from the Indian Territory to Kansas? A Yes, sir.
Q You say they were coming south? A Yes, sir.
Q Where were you going? A I was going to Neosho Falls.
Q What for? A After my people.

Q After your family? A Me and my brother was together, we was going after his people and my mother and father.
Q That was in '66? A Yes, sir.
Q Have you known her since that time? A Yes, sir.
Q Did you see Julia at that time on Cabin too, Julia Montgomery?
A Yes, sir, I saw them all, her father and her step-father and then her and the children.
Q By Com'r Breckinridge: Do you mean her father and step-father?
A Her step-father and, that is Martin Adair.
Q But you didn't see her own father? A No sir, he was dead.
Q Was her mother there? A Yes, sir.
Q That's what you mean, her mother and step-father? A Yes, sir.
Q Mr. Mellette: And Rachel Steel was along? A Yes, sir.
Q And the woman called Nancy Tippa now? A Yes, sir.
Q Where have these people lived since that time, since you know, in what country? A So far as I know they have been living in here.
Q Cherokee Nation? A Yes, sir.

Examined by Cherokee Rep've Davenport:

Q Uncle Dave, how far do they live from you now? A I don't know how far it is from here to Gooseneck.
Q You live at Gooseneck? A Yes, sir.
Q Where do they live? A On the hill right here.
Q Where were you living in '66 when you started back to Neosho Falls, Kansas? A No place.
Q Hadn't you located? A No, sir.
Q Where did you start from when you started back to Neosho? A Started below here on Grand River. It was right after the war, awhile after the war.
Q Well, you had come back here in '66, to what point had you gone? A Pryor's Creek.
Q What part of Pryor's Creek? A It was up there in the settlement, in what is called the Bill Looney settlement.
Q Did you start from the Bill Looney settlement to go back to Kansas? A Yes, sir.
Q Where was it you met this woman and her step-father and people?
A It was up on Cabin Creek I told you.
Q Where was it with reference to the Military road? A It was on the Military road; I was traveling up the Military road.
Q Then as stated by the applicant you didn't see them on Rock Creek did you? A
Mr. Mellette: She said near Rock Creek she thought.
Q Where did you see her? A I told you.
Q Well, where was it? A Close to Cabin Creek.
Q Which side of Cabin Creek was it as you saw her? A On the south side.
Q How far from Cabin Creek? A I don't know exactly how far.
Q What were they doing when you saw them? A I told you I was camped and they came to me.
Q Who all came to you? A Why I left and I went north and they came down south, said they was coming down to the Locust Grove.
Q That was in '66? A Fall of '66.
Q What time of the year was it? A I don't know.
Q What month was it? A I couldn't say.
Q What year was it? A It was along in September or October, I won't say which.
Q You hadn't seen Sam Webber at that time? A I saw Sam Webber somewhere, but I don't know whether he was with me then or not.
Q Was you acquainted with him before the war? A Yes, sir.
Q This September or October that you met these people did you know whether Sam Webber had returned before you met these people?
A Sam Webber had returned.

Q Where was he living? A I think he was stopping on Big Creek.
Q Do you know? A I hadn't been ever in there; but he was traveling north too.
Q I want to know if you had seen him up to the time you met these people? A Yes, sir.
Q Where did you see him? A Down on the river.
Q And that was in September or October? A I don't know exactly, I couldn't say for certain, it was in the fall of the year.
Q Was it cold or hot weather? A It wasn't so very cold.
Q Was it a little bit cold? A It was a little cold.
Q When did you next see Sam Webber? A I don't recollect.
Q Did you know Abraham Ward at that time? A I don't know.
Q You don't know him now do you? A I knows him now.
Q Had you known him up to the time you met these people? A I couldn't tell you.
Q How long did you stay in Kansas when you went back? A Stayed a while, until I came on back.
Q You don't know how long it was? A I don't know how long it was.
Q You don't know whether it was one year or fifty? A I wasn't watching it particular about it.
Q You remember distinctly when you got back? A I do know I got back two or three times.
Q You don't know how long you stayed up there? A I stayed up there as long as I could get ready to come on back.
Q How many of this woman's family was with them when they come from there. A Her mother and step-father and then a passel of children, and her husband, this woman's husband.
Q She was married then? A Yes, sir.
Q You don't know how many children? A I don't know exactly now.
Q You don't know their names? A I didn't know what their names were.

SAM WEBBER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Sam Webber.
Q How old are you? A About 58.
Q What is your postoffice? A Nowata.
Q How long have you lived in the Cherokee Nation? A I was born here.
Q Were you out during the war? A Yes, sir, got back here in '66.
Q You have lived here ever since? A Yes, sir.
Q Are you on the roll of 1880? A Yes, sir.

By Mr. Mellette:

Q Do you know the applicant here, Frances Anderson or Fannie Anderson? A Yes, sir.
Q Did you know her step-father, Martin Adair? A Yes, sir.
Q Did you know her mother, Polly Adair? A Yes, sir.
Q She had a sister named Julia, did you know her? A Yes, sir.
What other sisters do you remember except Julia? A Nancy Tipps goes by now, and Rachel.
Q Rachel, that was her name when she died? A Rachel Steel.
Q Do you know when these people came back to the Cherokee Nation after the war? A I saw them ever there on Cabin Creek as we was going back to Kansas.
Q When was that? A It was along in the first part of the fall, latter part of the summer, somewhere along there.
Q What year? A '66.
Q Where were you going? A We was going to Kansas.
Q Was that after you had moved your family here? A Yes, sir; I was going after them.

Q What road was it on? A On the Military road leading from Fort Scott to Fort Gibson.
Q And near Cabin Creek? A Yes, sir.

By Cherokee Rep've Davenport:

Where were you living when you started back to Kansas this time you claim to have met these people? A We left our things up north and brought part of them here to Big Creek; brought our plows and things.
Q From what point did you start from back to Kansas when you met these people? A From here on Big Creek.
Q In the neighborhood of where you now reside? A Yes, sir.
Q That's what's now known as the Jim Martin neighborhood? A yes, sir.
Q About 15 or 20 miles northeast of here? A Yes, sir.
Q It is nearly north of here? A Yes, sir.
Q You had started to what point in Kansas? A Fort Scott, we went through Fort Scott.
Q You met this woman and her parents on Big Cabin? A Yes, sir.
Q What part of Big Cabin was it? A Right at the crossing.
Q At the crossing of what? A Cabin Creek.
Q What is it crosses Cabin Creek there? A The Military Road.
Q The Military Road that led from Ft. Gibson to Ft. Scott?
A Yes, sir.
Q That's about 15 or 16 miles directly north-east of here?
A I guess it is.
Q And below the mouth of where Rock Creek empties into Big Creek? A Yes, sir.
Q You started from your home then on Big Creek, and travelled south-east about 35 miles before you started towards Kansas did you? A Always go to the big road, we didn't know no other way.
Q I will ask you if the Military Road to Fort Scott, Kansas, didn't run within 25 miles of your place, and directly east of where you was living when you started? A I guess it was.
Q Then why did you travel more than 35 miles south instead of going east? A Didn't know no other way, that's why.
Q Wasn't there an Osage Trail that ran from Osage Mission to Fort Scott, Kansas? A We didn't go it if there was.
Q Wasn't there Osages living in that locality where you located when you came down there? A They lived up north of us on Snow Creek, and Panther Creek.
Q There was Osages up in there? A Yes, sir.
Q The traders come in that locality to trade with them? A I guess so, I never saw them.
Q Didn't you see Nelson Murrell in the fall of '66 peddling flour to them? And haven't you testified to that right here?
A I knew he was up in there, but I didn't know about his peddling flour.

By Com'r Breckinridge:

Q You say you live about 15 miles north of here? A Yes, sir, I guess about that.
Q What kind of country is it, hilly country? A It's level there, I live over across the river now.
Q I am talking about this place where you lived at the close of the war, is it prairie there? A Yes, sir.
Q Was there any road leading from where you lived right straight over to the Military Road that went to Fort Scott? A We just [illegible] a trail leading to the [illegible] road and [illegible] [illegible]

Q There was no leading out road except that one you made? A No, sir, that was all we had, the trail we made when we went out in that country.
Q They hadn't laid out any roads like they have at the present day. A No, sir, none at all not until now, there's roads now.
Q Is it a pretty open prairie country, could you have gone it without any difficulty in that day? A We didn't know nothing about the country; it was a strange country to us.
Q You didn't know what you might have come across? A No, sir.

By Cherokee Rep've Davenport:

Q Didn't you cross the Neosho River on the Military road coming to Big Creek to locate when you came back? A Yes, sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself and five children in her charge; the applicant is identified on the Kerns-Clifton roll and not upon the roll of 1880 or upon that of 1896; it appears from the testimony that she was a slave of a Cherokee citizen, and lived in the Cherokee Nation at the beginning of the Civil War; she was carried to the State of Kansas, and the testimony indicates that she came back with her mother and step-father and some others enumerated in the testimony in the autumn of '66; since that time she has been to Oklahoma, Colorado, Eureka Springs, Arkansas, and to the State of Kansas; but the testimony does not indicate that her visit to any of these places was of a protracted character, or for any permanent purpose; she went to Colorado a month on account of her health; she made a stay of some nine months at Eureka Springs for her health, and her other visits were perhaps of lesser duration and for temporary purposes; it appears from the testimony now given that the omission of the applicant from the roll of 1880 was not through any fault of her status, but for the further consideration of her case, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her postoffice address.

As for the five children named in the testimony; they are the children of a deceased sister of the applicant; they are all minors, and are living at this time, and they are identified on the Kerns-Clifton roll; their mother is shown to have returned to the Cherokee Nation after the war with the applicant; she died after the roll of 1880 was made, but before the Kerns-Clifton roll was made; it appears that she lived in the Cherokee Nation from the date of her return from Kansas in '66 until her death; no serious reason is seen at this time to invalidate the right of these children to enrollment, but at present, in as much as the mother was not placed on the roll of 1880, they will be placed upon a doubtful card, and the final decision of the Commission will be made known, through the applicant, at her postoffice address.

In the course of this testimony the case of one Nancy Tipps, formerly Nancy Adair, a sister of the applicant, has been entered into, and as she is stated to be an afflicted woman, and may have to be applied for by one of the children of her deceased sister Julia, who are living in the charge of the woman Nancy, and the status of this woman Julia Montgomery, formerly Adair, now deceased, has also been [illegible]

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and of the same status as respects the Treaty of 1866 as the applicant, as the rights of the children of the woman Julia will depend upon the status of their deceased mother under the Treaty of 1866, and when these cases are taken up this testimony will be incorporated therein.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this June 13, 1901.

C. R. Breckinridge,

Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above cause.

Mabel F. Maxwell.

Subscribed and sworn to before me this 23rd day of July, 1902.

(Seal)

Bruce C. Jones
Notary Public.

To be filed with F.B-900.

To be filed with C. F. D-427.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 11,1902.

In the matter of the application of Frances Anderson for the enrollment of herself and others as Cherokee Freedmen.

SUPPLEMENTAL TO D-427.

Applicant represented by Mallette & Smith, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings.

The Cherokee Nation, by its representatives, makes satisfactory proof of service on the said attorneys for applicant, Mallette & Smith, that it would, on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of Frances Anderson et al to enrollment as Cherokee Freedmen.

The applicant and her attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

Mrs. R. E. WALKER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A I sign my name Mrs. R. E. Walker, R. E. Walker is my name when I don't put the Mrs.
Q What is your postoffice? A Fort Gibson.
Q How old are you? A I will be 77 my next birthday.
Q You a Cherokee by blood? A Yes, sir.
Q What was your maiden name? A Adair.
Q Do you know a colored woman that formerly belonged to the Adairs who now goes by the name of Frances Anderson? A Yes, sir, I know her from a child, from a baby.
Q Did you know her mother? A Yes, sir.
Q What was her mother's name? A Polly.
Q To whom did Frances and her mother belong when the war came up?
A Well, her mother belonged to my mother and Frances belonged to Dr. Adair's wife or Mr. Adair.
Q Your sister? A My sister; when she married mother gave her this girl.
Q She was the property then of your sister at the time this war came up? A Yes, sir.
Q What became of her when the war came up? A Went to Kansas.
Q Did you reside in the Cherokee Nation after the war? A Well, we were in the Cherokee Nation in August 1868.
Q Well, but I mean were you here after the war, '66 and '7 and '8?
A Yes, sir, we came back here in '66.
Q You have been living here ever since? A Yes, sir.
Q Well, now, after the war where did you first see this applicant, if at all, Frances Anderson? A About the year 1868.
Q About the year '68? A Yes, sir. I saw her at the Vinita Fair, as well as I can recollect, about the year '68.
Q Well, it was after the town got big enough to have fairs up there was it? A Yes, sir, I can't tell you whether it was the first fair, but I think it was the first.
Q You saw her there at that time? A Yes, sir.
Q Did you have any talk with her? A Yes, sir.
Q What talk did you have with reference to her residence? A Well, she looked familiar to you, and she had come from Missouri, she hadn't been

here very long, she didn't say whether she had come in, when she had come in or anything, she just said she hadn't been here long.
Q Did she make any inquiry about---? A She was inquiring about the folks.
Q About the folks? A Yes, sir.
Q Did you know whether she was married at that time? A Yes, sir.
Q You don't know where she married do you? A No, sir, I suppose she married in Kansas.
Q She hadn't yet got any home? A No, sir.
Q She hadn't settled down? A No, sir.
Q She didn't say how long she had been here? A No, sir, she said she hadn't been here long, very long.
Q Now that was the first time you had seen her after the war?
A Yes, sir, that was the first time.
Q Did she know where any of the rest of the people were over the Cherokee Nation, or was she making any inquiry from you? A Well, she was inquiring about my mother and the family.
Q Did you ever see her after that? A Yes, sir.
Q Where? A She stayed all night at our house.
Q At your house? A Yes, sir.
Q Talk to her, then, any about her citizenship? A No, sir, but she said she was going to see Mont.
Q Mont Adair? A Yes, sir.
Q What relation was he to you? A Well, he is my brother.
Q Did she say what she was going to see him about? A She didn't say, she said she was going to see him.
Q That was after you had seen her up at Vinita? A Yes, sir.
Q Well, did she at any time claim to you that she had come back here in '66? A No, sir.
COMMISSION: Now, this Frances Andersen belonged to your sister at the close of the war or at the outbreak of the war? A Yes, sir.
Q Your sister was a recognized citizen of the Cherokee Nation?
Q Yes, sir.
Q Do you know whether or not Frances Andersen left the Cherokee Nation when the war came up? A Yes, sir, she went up to Kansas.
Q Did she go up there with your people? A No, sir.
Q She went up there alone? A She went up there with ther mother and her other relatives, they were on my place there at Parkhill when they all left.
Q Now what time did she go up there, that is what time during the war, do you know, what year was it in? A It was '62.
Q Now from '62 up until 1880 when you met her at the fair at Vinita had you ever seen her? A No, sir.
Q You had never saw her in Fort Gibson? A No, sir.
Q You don't know where she lived of your own knowledge? A No, sir.
Q When you met her there that time did she tell you that she had never been here since the close of the war? A No, sir, she didn't tell me that.
Q Didn't say anything about it? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following ~~xxxxx~~ Cherokee Freedmen cases: D-687, D-688, and D-900.

Arthur G. Grainger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

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ported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Grainger,

Subscribed and sworn to before me this 12th day of April, 1902.

Phillip G. Reuter,

(Seal)

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above cause.

Mabel H. Maxwell

Subscribed and sworn to before me this 23rd day of July, 1902.

(Seal)

Irma G. Jones

Notary Public.

To be filed with F.D-900.

F.D. 528. To be filed with F.D. 627.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 16, 1902.

In the matter of the application of Mary Harris and others for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-528.

APPEARANCES:
Mallette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

HARRY E. KELLEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Harry E. Kelley.
Q What is your postoffice? A Fort Smith.
Q How long have you lived at Fort Smith? A 15 years last January.
Q Where did you move from when you moved to Fort Smith? A Coffey County, Kansas.
Q What was your postoffice? A Burlington the last few years I lived there, but I was born at Ottumwa, Kansas, and lived there until I was about 18 years old.
Q When did you leave Ottumwa, Kansas? A I left Ottumwa in 1880.
Q Did you know a colored man up there by the name of John Curry? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Charlotte.
Q How early do you remember of knowing them? A As early as 1868, I think as early as 1866.
Q Did you know of them in 1866? A I can't quite fix the year that they came on my father's farm to live, but I have a distinct recollection of their being there in 1868, when I left on a trip for Ohio, and was driven to the railroad station about fifty miles away by the old Martin Bewlin, sometimes called Martin Adair, who was the husband of John Curry's mother.
Q What was her name? A Polly, they also lived on our farm.
Q Well Johnlived there at the same time? A John lived there from 1866 to 1872 or '3.
Q Then where did he move? A Then he homesteaded a piece of land about two miles from our house.
MR. SMITH: I object to the testimony with regard to the homesteading, not being the best evidence.
COMMISSION: Objection will be noted: proceed.
Witness: And moved onto that land and lived there until after Charlotte died.
Q About when did she die, that is his wife? A Yes, his wife, she died about 1884.
Q Was she buried there or do you know? A Yes, sir, she was buried there.
Q What became of him afterwards? A I saw him around there for a year or two afterwards, and then I heard he was dead; I don't know it personally, anything about his death.
Q Do you know whether this John Curry was ever in trouble up there prior to 1866? A Yes, sir.
Q When was that? A Killed a man in our county there about 1866.
Q Did John and Charlotte have any children? A Yes, sir.
Q Do you remember any of their names? A Mary and Lucinda and Joe and Harrison, and another one, I can't recall the name of the other one.
Q They were all born there, were they? A No, Mary wasn't born there, they had her the others I do remember.

Q You don't know where she was born? A Don't know where she was born, but the others were born there.
Q Well what was John's mother's Name? A Polly.
Q Well what was her other name, what was she known by? A Polly Bowlin, they were commonly called there, sometimes they called them Adair.
Q Well you say she married a man by the name of Martin Bowlin? A No, they were married when I came there.
Q Well, lived with a man up there by the name of Martin? A Yes, sir, that was her husband then.
Q He went by the name of Martin Bowlin? A Yes, sir, Martin Bowlin.
Q And you knew them in '68? A Yes, sir, first recollection I have of Martin and Polly and their family was moving them out of the bottom time of the flood in '68; they were clearing land for my father and the overflow came, and he brought them up to the house out of the flood.
Q Well did Polly, who was the mother of John, have any children that you know of? A Yes, sir.
Q Besides John I mean? A Yes, sir.
Q Name them? A Well she had one who used to come there occasionally, named Frances.
Q Yes, sir. And another named Nancy and Nathan and Julia and Rachel.
Q Well do you know who Rachel Married? A Married a darkey named Harry Steele.
Q Do you know who Frances married? A No, sir.
Q Do you know his name at all, I mean his surname? A No, I do not.
Q Do you know who Julia married? A No, perhaps I have heard but I can,t recall now.
Q Well now how long did you continue to know this family up there, I believe we have traced John Curry and his wife; but I mean John's mother Polly, and Rachel and the rest of this family that you have mentioned? A Polly and Martin lived on our place until Polly died.
Q About when? A Polly died between '69 and '71, I remember being there when I came home from Ohio in the fall of '68.
Q They were there then? A Yes, sir, and she died before I went to Ohio to school in the fall of '71.
Q So it's between those times? A Between those times. Martin went away after her death for a time, and came back there, and died on our farm, and was buried there, and he died about '74.
Q What is your occupation, Mr. Kelley? A I am in the real estate and loan business.
Q In Fort Smith, Arkansas? A Fort Smith, Arkansas, yes, sir.
Q Do you know whether this Polly Bowlin was also known as Polly Adair? A Yes, sir.
Q Do you know that she was the mother of John Curry? A Well, she said she was, and it was generally said she was.
Q Well recognized? A Yes, sir, the recognized mother; they all came there together.
Q And she's the recognized mother of Frances Anderson and Rachel Steele? A Well I don't know about Frances Anderson, I know Frances
Q And Rachel? A And Rachel and Julia and Nancy.
MR. SMITH: Mr. Kelley, the Frances you speak of, you don't know what her name is? A I never knew of her as Frances Anderson, no.
Q Well you speak of her coming there from time to time; do you know of your own personal knowledge where she lived? A No, sir, I don't, she just came to visit; these Currys lived right there in our yard or right close to it, and she came there on visits to her brother and her half-sisters, who worked in out house.
Q And you can't say positively that you knew the Currys before '68? A I have no distinct recollection of the Currys before that I can place, before '68.
Q Yes. A Although I have understood that they came there all together, the whole bunch.

Q Well I move to strike that because that's what the witness understood and not what he knew.

COMMISSION: Motion will be noted, and the testimony will be considered for all it is worth.

MR. SMITH: But so far as your personal knowledge goes, you can't fix them there before '68? A I can't fix the Currys there before '68 on our place.

Q Well now that was the first personal knowledge of them, was on your place? A No, sir, it wasn't.

Q You spoke of moving somebody up out of the bottom, who was that? A Old Martin and his family.

Q Who was Martin with reference to John Curry? A John Curry's mother was old Martin's wife.

Q Then he was John's stepfather? A Yes, sir.

Q Well now you spoke of somebody killing a man, now who was that? Q John Curry.

Q Well was that your personal knowledge or a matter of hearsay? A Well I didn't see the killing done but I knew of his being tried there, but it was the first thing of the kind I ever heard and it made quite an impression on me.

Q Can you say when he was tried? A Well it was prior to '68. I can't give you the date, no.

Q Do you know what year it was that he killed the man? A To the best of my recollection it was in the spring of '66.

Q You say he was indicted and tried? A He was tried; I don't know anything about the indictment.

Q Do you know of your own personal knowledge that he was tried? A Well I was told around town there.

Q You know heard? A Yes, sir.

Q And now, if the court please, I move to strike the testimony with regard to John Curry's killing a man because it does not appear to be the best evidence.

COMMISSION: Motion will be noted, and the testimony considered for what it may be worth.

Q When was the last you knew of those Currys? A I knew, I remember when Charlotte died, and considerable of John after she died, as near as I can fix the date she died in '84.

Q '84? A '84.

Q What time did you make your visit to Ohio before you went to school? A In '68.

Q How old were you then? A I was six years ~~[illegible]~~ old, about six years and a half old.

Q Then how long were you in Ohio that time? A Oh a month or two, short time.

Q Then when did you return there to school? A I went there to school in the fall of '71.

Q How long did you remain? A I stayed there until the fall of '72.

Q When did you leave that part of Kansas? A '87.

MR. HASTINGS: What was your father's name? A Harrison Kelley.

Q Your father used to represent that section of the country up there? A A member of Congress from that district, if that's what you mean, yes, sir.

Q In what years? A He was elected in '68.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedman cases: D-641, D-633, D-634, D-638, and in D-635, the case at bar.

MR. HASTINGS: The Choctaw Nation asks that this testimony be filed in the case of Frances Anderson D-637, and in the references thereto as follows: D-637, D-639 and D-640.

MR. SMITH: The counsel for Frances Anderson and cases connected therewith and of the same numbers, object to the filing in these cases of the testimony of the witness Harry E. Kelley, for the reason that it does not app ar from said testimony that the Frances mentioned by him is identical with the applicant, Frances Anderson.

MR. HASTINGS: The Cherokee Nation contends that this testimony is relevant, and that the Frances mentioned in witness Harry E. Kelly's testimony is identical with Frances Anderson for the reason that the testimony shows that she was a sister of John Curry and the testimony further shows that her mother's name was Polly Adair, and the testimony further shows that she had a sister by the name of Julia, and the testimony further shows that she had another sister by the name of Rachel Steele, identified by this witness in this testimony; and the applicant Frances Anderson claims to have returned to the Cherokee Nation with her mother Polly and her step-father.

MR. SMITH: The applicant further objects to the introduction of said testimony into this case for the reason that it is incompetent, irrelevant and immaterial, as the testimony of said witness shows that she visited the place mentioned by said witness, and that it was not within his personal knowledge where said Frances lived.

COMMISSION: The objections will be noted and the testimony filed with the case of Frances Anderson and the cases relating thereto as above enumerated.

HARRY E. KELLEY, recalled:

MR. HASTINGS: Mr. Kelley, did you know Rachel Steele after she was married? A Yes, sir.
Q Did you know her husband's name? A Harry Steele.
Q Did they live there near you? A They lived on our place, there right by our house, worked for us.
Q Have any children? A Yes, sir.
Q How long did you continue to know them there? A After the death of Rachel's mother she-----I don't remember her again until she came back about '75, and they lived there by our house for some five years after that.

MR. SMITH: How is it spelled? A S-t-e-e-l-e.
Q How many children did you say they had? A There was several, I don't recall how many, several children I think of them born there on the place.

Arthur G. Creninger, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of this stenographic notes thereof.

Arthur G. Creninger.

Subscribed and sworn to before me this 22nd day of May, 1902.

P. G. Rector,

Notary Public.

(SEAL)

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Acting Commissioner

[illegible]

I, the undersigned, [illegible] to the
true Christian, [illegible] that
the foregoing is a true and [illegible] values
in the above [illegible]

Charles E. Donaxwell

Subscribed and sworn to before me this [illegible] day of [illegible], [illegible].

(Seal)

Bruce G. Jones
[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 27th 1901.

In the matter of the application of Elijah Starr for the enrollment of himself, his wife and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows-

Q What is your name? A. Elijah Starr.
Q How old are you? A. 35.
Q What is your post office address? A. Centralia.
Q In what district do you live? A. Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you desire to have enrolled besides yourself? A. My wife and one child.
Q What is your wifes name? A. Morning Starr.
Q What is the name of your child? A. Charlotte
Q How old is she? A. 3 years old.
Q Is your name on the roll of 1880? A. No sir.
Q What is your fathers name? A. Jack Starr.
Q Is he living? A. Yes sir.
Q What is your mothers name? A. Charlotte.
Q Is she living? A. No sir.
Q Is your wife a citizen? A. Yes sir.
Q Is her name on the roll of 1880? A. No sir.
Q How old is she? A. 33 or 3.
Q What is her fathers name? A. Harry Steel.
Q What is her mothers name? A. Rachel.
Q Are they living? A. Her mother is dead, her father is alive.
Q Has your father been enrolled yet? A. Yes sir at Chelsea.
Q Do you claim your citizenship through your mother or your father?
Q Through my father.
Q Is your name on any of the rolls? A. Wallace.
Q Did you draw Kern Clifton money? A. Yes sir.

The 1880 authenticated roll examined, applicant not found thereon

The 1896 census roll examined, applicant notfound thereon.

Kern Clifton roll examined, applicant found as follows-
Page 140 No. 3481 Elijah Starr, Coowescoowee district.

Wallace roll examined and the applicant found as follows-
Page 141 No. 3946 Elijah Starr, Coowescoowee district.

Q When were you married? A. I dont know sir exactly.
Q Have you a certificate of your marriage? A. Yes sir.

The applicant presents a certificate of marriage certifying that he was married on the 28th of September, 1894 to one Maria Steel.

Q Is she your first wife? A. Yes sir.
Q Are you her first husband? A. Yes sir.
Q Have you lived with her continuously since your marriage to her? A Yes sir.
Q What proof have you of your wifes citizenship? Has her father been enrolled? A No sir he is a white man.
Q Does she claim citizenship through her mother? A. Yes sir.
Q She is dead? A. Yes sir.
Q Do you know Francis Anderson? A. Yes sir
Q Is he any relation to your wife? A. Yes sir.
Q What relation? A. Her cousin.
Q Your wife's mother and she were sisters? A. Yes sir.

Applicants wife not found on the roll of 1880 either.

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Kern Clifton roll examined and the applicant's wife found thereon as follows:
Page 137 No. 3485 Mourning Steel, Sequeesecoowee district.

Q How long has your wifes mother been dead? A. I cant say exactly.
Q Have you always lived in the Cherokee Nation? A. Yes sir.
Q Has your wife always lived in the Cherokee Nation? A. Yes sir.
Q Is this child living? A. Yes sir.

By Com'r Needles,-

Elijah Starr applies for himself, his wife Monia and his child Charlotte, 3 years of age; They are not identified an the authenticated roll of 1880 or the census roll of 1896; he is identified on the Kern Clifton roll and on the Wallace roll; he avers that he married one Monia Steel and makes satisfactory proof of said marriage; he avers that his wife is the child of Harry and Rachel Steel, and that his wifes mother was as sister to Frances Anderson, and the testimony taken in the application of the said Frances Anderson on Cherokee freedmen doubtful card #487 will be referred to and made apart of the application at Bar for the citizenship of the applicant's wife, and a copy thereof will be filed herewith. The applicant, himself, claims his citizenship through his father Jack Starr who has been listed for enrollment on C. F. D. Card #445, and the testimony therein will be made a part of this record and a copy thereof filed in this case. The applicant makes satisfactory proof as to be birth of his child Charlotte . His wife is identified on the Kern Clifton roll. Now the said Elijah Starr, his wife Monia and their child Charlotte will be listed for enrollment as Cherokee freedmen on a doubtful card, and the final decission of the Commission will be made known to them by mail.

* * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 11th of July, 1901.

Commissioner.

To be filed with D-627.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 11, 1902.

In the matter of the application of Frances Anderson for the enrollment of herself and others as Cherokee Freedmen.

SUPPLEMENTAL TO D-627.

Applicant represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings.

The Cherokee Nation, by its representative, makes satisfactory proof of service on the said attorneys for applicant, Mellette & Smith, that it would, on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of Frances Anderson et al to enrollment as Cherokee Freedmen.

The applicant and her attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

MRS. E. N. WALKER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A I sign my name Mrs. E. N. Walker, E. N. Walker is my name when I don't put the Mrs.
Q What is your postoffice? A Fort Gibson.
Q How old are you? A I will be 77 my next birthday.
Q You a Cherokee by blood? A Yes, sir.
Q What was your maiden name? A Adair.
Q Do you know a colored woman that formerly belonged to the Adairs who now goes by the name of Frances Anderson? A Yes, sir, I knew her from a child, from a baby.
Q Did you know her mother? A Yes, sir.
Q What was her mother's name? A Polly.
Q To whom did Frances and her mother belong when the war came up? A Well, her mother belonged to my mother and Frances belonged to Dr. Adair's wife or Dr. Adair.
Q Your sister? A My sister; when she married mother gave her this girl.
Q She was the property then of your sister at the time the war came up? A Yes, sir.
Q What became of her when the war came up? A Went to Kansas.
Q Did you reside in the Cherokee Nation after the war? A Well, we were in the Cherokee Nation in August 1862.
Q Well, but I mean were you here after the war, '66 and '7 and '8? A Yes, sir, we came back here in '66.
Q You have been living here ever since? A Yes, sir.
Q Well, now, after the war where did you first see this applicant, if at all, Frances Anderson? A About the year 1880.
Q About the year '80? A Yes, sir. I saw her at the Vinita Fair, as well as I can recollect, about the year '80.
Q Well, it was after the town got big enough to have fairs up there was it? A Yes, sir, I can't tell you whether it was the first fair, but I think it was the first.
Q You saw her there at that time? A Yes, sir.
Q Did you have any talk with her? A Yes, sir.
Q Well, what did she say with reference to her residence? A Well, she hadn't settled yet, and she had come from Kansas, she hadn't been

here very long, she didn't say whether she had come i , when she had come in or anything, she just said she hadn't been here long.
Q Did she make any inquiry about—? A She was inquiring about the folks.
Q About the folks? A Yes, sir.
Q Did you know whether she was married at that time? A Yes, sir.
Q You don't know where she married, do you? A No, sir, I suppose she married in Kansas.
Q She hadn't yet got any home? A No, sir.
Q She hadn't settled down? A No, sir.
Q She didn't say how long she had been here? A No, sir, she said she hadn't been here long, very long.
Q Now that was the first time you had seen her after the war?
A Yes, sir, that was the first time.
Q Did she know where any of the rest of the people were over the Cherokee Nation, or was she making any inquiry from you? A Well, she was inquiring about my mother and the family.
Q Did you ever see her after that? A Yes, sir.
Q Where? A She stayed all night at our house.
Q At your house? A Yes, sir.
Q Talk to her, then, any about her citizenship? A No, sir, but she said she was going on to see Mont.
Q Mont Adair? A Yes, sir.
Q What relation was he to you? A Well, he is my brother.
Q Did she say what she was going to see him about? A She didn't say, she said she was going to see him.
Q That was after you had seen her up at Vinita? A Yes, sir.
Q Well, did she at any time claim to you that she had come back here in '66? A No, sir.

COMMISSION: Now, this Frances Anderson belonged to your sister t the close of the war or at the outbreak of the war? A Yes, sir.
Q Your sister was a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Do you know whether or not Frances Anderson left the Cherokee Nation when the war came up? A Yes, sir, she went up to Kansas.
Q Did she go up there with your people? A No, sir.
Q She went up there alone? A She went up with her mother and her other relatives, they were on my place there at Parkhill when they all left.
Q Now what time did she go up there, that is what time during the war, do you know; what year was it in? A It was '62.
Q Now from '62 up until 1880 when you met her at the fair at Vinita had you ever seen her? A No, sir.
Q You had never saw her in Fort Gibson? A No, sir.
Q You don't know where she lived of your own knowledge? A No, sir.
Q When you met her there that time did she tell you that she had never been here since the close of the war? A No, sir, she didn't tell me that.
Q Didn't say anything about it? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-687, D-689, and D-900.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
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ACTING CHAIRMAN

ported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Cunniger

Subscribed and sworn to before me this 13th day of April, 1902.

Philip J. Rutter

Notary Public.

To be filed with D.R.[illegible].

D. R. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Jack Starr for the enrollment of himself as a Cherokee freedman.

APPEARANCES:
Lewis E. Brown, representing Mullette & Smith, for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that the testimony filed by the Cherokee Nation in the case of Ed Wright, D-612, also in the case of Aaron Webber, D-[illegible], also in the case of Elizabeth Keige, D-391, together with the supplemental testimony of Reuben Sanders in the case of Elizabeth Keige, be filed with and made a part of the record in this case.

COMMISSION: This testimony will be filed with and made a part of the record in the case of Elijah Starr, et al, D-[illegible], as well as in the case of Jack Starr, D-443, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 3rd day of July, 1902.

P. G. Hunter,
Notary Public.

(Seal)

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above case.

[illegible]

Subscribed and sworn to before me this 19th day of July, 1902.

P. G. Hunter
Notary Public.

File with F.D-900 (Elijah Starr).

F.D-443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Jack Starr for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Lewis T. Brown, representing Mellette & Smith, for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that the testimony filed by the Cherokee Nation in the case of Ed Wright, D-818, also in the case of Aaron Webber, D-816, also in the case of Elizabeth Meigs, D-391, together with the supplemental testimony of Reuben Sanders in the case of Elizabeth Meigs, be filed with and made a part of the record in this case.

COMMISSION: This testimony will be filed with and made a part of the record in the case of Elijah Starr, et al, D-900, as well as in the case of Jack Starr, D-443, the same being the case at bar.

Arthur G. Creninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Creninger.

Subscribed and sworn to before me this 3rd day of July, 1902.

(Signed) DG.Reuter,
Notary Public.

(Seal)

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above is a true copy of the testimony and proceedings in this case.

Mabel G. Maxwell

Subscribed and sworn to before me this 31st day of July, 1902.

Bruce C. Jones
Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

Protest filed by the Cherokee Nation tending to disprove the right of said applicant, Richard Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation was present by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee NationM A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '63.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Tell what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedmen by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Coin; Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the CherokeeNation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far is on the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, you I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McCain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Hudson Whitmire you got had talked with is the same one you mean in going south and belonged to the Whitmire family there? A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you spoke other with him, you knew? A I think Andrew Whitmire and Lesan Whitmire and Sam Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Sol. Ross passed going to Fort Scott.
Q Do you know where that man Whitmire lives now, Wesley Whitmire you know?
A No, I don't know where he lives.

Mr. Hastings, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Pryor? A Yes, I don't know for certain I heard he lived on Big Creek. I don't know thoroughfare he lives. I have seen him ever since I have been here. I don't think I ever was at his house.

—oooOOOooo—

I hereby certify that the official court reporter was the foregoing to the five divisions upon which it correctly reported the testimony and proceedings had in interview on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. D. Hanson,

Stenographer.

F. S. 218.

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I. T., [illegible] 1908.

In the matter of the application of Edward Frank for a certificate of citizenship in the Cherokee Freedmen.

APPEARANCES:
[illegible] J. [illegible], [illegible] for the Applicant, [illegible] Commissioner,
[illegible], Esq., for the Cherokee Nation.

COMMISSION: The [illegible] satisfactory proof of service on [illegible] would, on the 20th day of [illegible] approve the right of the [illegible] to Cherokee citizenship. The [illegible] E. D. Lawson, who is [illegible] territory.

[illegible] Charles: The [illegible] in evidence [illegible] from the [illegible] Cherokee Nation entitled [illegible] the Chamberlain case [illegible] as follows:

No. 25. Edward Frank
vs
Cherokee Nation.

[illegible] 7th of June,
[illegible]

Judgment [illegible] June 27, 1879.

The counsel [illegible] offers in evidence from the same record [illegible] the following:

No. 26. Minor [illegible]
vs
Cherokee Nation

[illegible] Statement [illegible]
[illegible]

Judgment [illegible] June 27th, 1879.

The Cherokee [illegible] purpose. The [illegible] day of June, 1879, [illegible] Cherokee citizenship [illegible]

[illegible] the Cherokee citizenship [illegible] the means to [illegible]

The [illegible]
[illegible]
vs
[illegible]

[illegible] Frank [illegible] a citizen and resident [illegible]

[illegible] of the late war, [illegible] children of this Nation [illegible] the treaty of [illegible]

[illegible] the [illegible] place [illegible] owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the [illegible] of [illegible] [illegible] a home for his family [illegible] the following [illegible] condition of [illegible] the family [illegible] in the spring of 1867 [illegible] authority [illegible] by law.

This June [illegible]

[illegible]

[illegible], Att'y.

The Cherokee Nation [illegible] the following [illegible] as follows:

"Before the [illegible] Commission [illegible] Tahlequah [illegible] try rights to Cherokee citizenship.

[illegible] of [illegible] Whitmire

vs

Cherokee Nation.

[illegible] Cherokee citizenship.

[illegible] George Whitmire [illegible] Cherokee Nation, at the [illegible] of the treaty of [illegible] claimant [illegible] of his claim.

Respectfully [illegible]

[illegible] Whitmire.

June [illegible]

[illegible], Att'y.

The Cherokee Nation offers in evidence from a book taken from the [illegible] department of the Cherokee Nation entitled "Register of [illegible] court of [illegible] Court, Book 4." page [illegible], case No. [illegible], as follows:

"Case [illegible]

[illegible] Whitmire

vs

Cherokee Nation.

Tahlequah,

July [illegible]

[illegible] witness [illegible]

[illegible]

as a citizen under the treaty of 1866. I went north to the state of Kansas in 1862. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks the first time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down. The Whitmires were of that party, the claimant was one of them. They came down in Dec. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho River about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was none of party come with the Whitmires except the Whitmire party and my party were Sam Webber, Mike Dunlap, Sam Webber Jr., Aaron Webber, Reuben Sanders, Tuck Sanders.

The Whitmire proper were Andy Lewis, Moses, Dennis and Wilson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of creating homes. When I moved with my family I stopped on Prairie Creek at Mr. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too nearly settled and open of subsistence. As I was coming down the first time we were overtaken by the Kansas delegation. They were some who were authorized by others to locate claims for them, and was by Mikey requesting the fields to locate for him. The original Kansas Kind.

Were examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and filed them up, and some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1867. I was in Texas before the war and was armed by Sam Taylor when the war broke out. He was driving on Greenleaf near Bushy Mountain on this side of Neosho River. When the Whitmires returned to Fort Scott I do not know what they left there to come to this country as I left there when I left. It was reported when they returned to the Nation that the Kansas party had built houses. But I do not know this myself as I was not there. I only heard they had. The law closed in 1866 I think. I did not know to myself nor people told me. He could read.

I do not know exactly what is the month of Aug. when I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Nick x Fields.
Mc ge.

Mary Whitmire
vs
Cherokee Nation
Suit for claim
August 2, 1878
Blufford Alberty witness for claimant
sworn and examined.

I reside in Compass Creek District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Delaware District.

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov. or probably it might have been as late as the middle of November, to go to the Verdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Brouches. I did not go to the camp. They were colored people. I knew most of them. There were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another woman whom I was told was a Lendrum. I do not recollect any of the others and can not identify them. The Whitmires were Wyandot and George Whitmire, Aaron, Lewis and the mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the agency and if Major Wright had got home. I told him I had not seen the Major but had heard a little about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and take him a claim. He then asked what chance there was to get provisions over on the river. I told him there was none there, but that there was a lot of contraband flour at Gibson and if they would go there they could get some.

He also represented that they had been down to make claims for others, who had remained in Kansas, to build them homes and so forth. They also stated that they were retired to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I passed out at night. Did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after while some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were stayed in the Nation and resided here up to the breaking out of the war.

R. M. Liberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Nelson Whitmire. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Lendrum was one of the band above referred to, also Duncan Dunlap. I learned from our Kendrick uncle Mike and Sam Webber that the Cherokee delegation advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at Humboldt Kansas in 1866. The chief ferryman who crossed us was a mill hands.

While at Lightning Creek in 1866 I saw Mr. Liberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am half-brother of Aaron Whitmire. Louis, Dennis and Nelson are also my brothers. Harlan Whitmire is my sister. Major Wright is my stepfather. The whole of the party that came with me to the Nation are as follows: Mike Sanders, Ben Webber, Peter Heige, Bill Foreman, Jack Sanders, Hanson Daniels, Guy Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and his brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was head of family in 1866 when we came on from Kansas. My family was at Fort Scott. Nelson Ratliff, Ed Wright, and my wife and myself composed my family. Louis and no family. Aaron and Nelson did. Major, Jack, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Erina Sanders, Jack Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis Nelson, Dennis, Hanson Daniels, Jack Sanders, Peter Heige and the families of those who had families all came as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Harlan Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Nelson Ratliff was killed by one Alex Ratliff at Greeting out by war. He first came in March 1867. Jack Landrum was killed in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Liberty as a witness in this case.

Re Direct.

Harlan's family at the close of the war was a separate family. Harry Whitmire, her son, represented his father on the first trip in 1866. Witness is about 23 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Harry Whitmire.
mark.

Case #1.

Aaron Whitmire & family
vs
Cherokee Nation.

Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims he is entitled under privilege of the fifth specification of the clauses of claims manoeuvred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was taken away in the

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the latter of 1863 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon the improvement on Verdigris River from the early fall of 1863 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1864.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did ever thing possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitlire,

By Atty Wm. P. Boudinot.

Aaron Whitlire

vs

Cherokee Nation.

August 1st, 1875.

Mr. Martin, witness for claimant, sworn and sworn.

I live on Big Creek, Cooweescoowee, C. N. As a citizen of the Nation. From August 1861 to November 1863 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. I am acquainted with claimant and his brother, Lewis; never knew Aaron until I met him at the ferry. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having seen claimant and Noah, Lewis, Dennis and Nelson Whitlire, Peter Haiga, Nick Sanders, Sam Webber, and Young Sam, Bill Foreman and others but did not recollect anything about home they were traveling. They stated they were coming from Fort Scott, Kans. they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation. They inquired the road to Big Creek. Nelson gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the delegation returned that I met claimant and the others spoken of. It was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1864. I am positive it was before Christmas as I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others prior to the war.

I do not know the owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the Nation living at the time.

I crossed them over the river. I met some of this same party back over the river a short time after they had gone in, Lewis, Nelson and Dennis Whitmire and little Sam Webster and I think they were two who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party. I think she was little Sam Webster though I would not be right positive that there was a woman along or not. I was positive there was no children and I never seen any. They had camped there long enought that were they any women and children I would have seen it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I knew this from having heard it generally talked amongst themselves.

Re direct.

At the present time the distance between our two settlements is about 5 miles. I sought a tie claimant and the other parties spoken of. I have been there frequently since that time, I met them over the river. When I saw them in the fall of 1867 they and their families with them. The means of subsistence at the time I crossed on the country at that time was short.

William Martin.

Aaron Whitmire
vs
Cherokee Nation.

July 2nd 1879.

Wm. McCracken for claimant.

Witness was claimant near Fort Gibson in Nov. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Patch and seven of claimant's brothers were behind on the road the war.

Witness is a citizen of this Nation and knew claimant before the war.

Cross.

Wm. McCracken.

B. F. Nicholson, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Sworn Answer.

George Whitmire before the war lived in Going Snake Dist. This dist. borders on the line of the state of Ark.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 30 or 100 miles. Witness states that he had a conversation with one Walker in which Webster assigned as a reason for settling there he had was that agent Jones advised the colored people after they freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families at Webster's on Big Creek or Lightning Creek in the Nation.

[illegible] of Claimant [illegible] as [illegible] at the time mentioned above. In Oct. or Nov. 1866 I gave Claimant and other colored [illegible] permission to occupy the old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other [illegible] I also permitted to farm the old fields. The spring of 1867 I [illegible] and Louis Whitmire at work on the old fields [illegible]. This settlement of colored [illegible] [illegible] the [illegible] of [illegible] and [illegible] citizens as [illegible] in the [illegible]. Some of those people [illegible] large and good [illegible] all [illegible] by themselves since the [illegible].

Witness [illegible] of [illegible] gentleman in the fall of 1866 [illegible] colored party [illegible] settled on Big Creek afterwards in the [illegible] [illegible] for the purpose as they [illegible] the time of selecting their [illegible]. [illegible] than the [illegible] of witness which the colored party [illegible] selected [illegible] now the homes of the [illegible] above indicated.

[illegible] Jones [illegible] said the party. [illegible] [illegible] for the Cherokee Nation at Washington. There were [illegible] as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were [illegible] the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is [illegible]. I travelled a good deal in this neighborhood at that time [illegible].

"Continued on page [illegible]"

Aaron Whitmire et al) July [illegible] 1896.
vs)
Cherokee Nation.)

[illegible],
sworn as witness for Def. I live in Cooweescoowee Dist. I [illegible] there in 1858 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I know Aaron Whitmire. He returned or came up the Verdigris River to live in the month of March 1867. Also came at the same time [illegible] Louis, Mike Spinker, Sam [illegible], Billy [illegible], with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of [illegible] [illegible]. He had [illegible] at other places before that.

Cross Examined.

I [illegible] of any colored [illegible] of [illegible] coming in to the [illegible] in the month of Decr. 1866 to locate [illegible] but I [illegible] [illegible] in [illegible] [illegible] I [illegible] [illegible] [illegible] at that time. I [illegible] [illegible]. I [illegible] on the west side of the river. Claimant [illegible] [illegible] on the [illegible] of the river. If any [illegible] of [illegible] came in Decr. 1866 I never heard of them. I never knew of [illegible] [illegible] in that part of the country in 1866 in the party who [illegible] in [illegible] 1866. Aaron Whitmire was not along but [illegible] [illegible], [illegible] [illegible] [illegible] Billy [illegible]. [illegible] was not along. [illegible] was not along as I [illegible] of the [illegible] for Major [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] (Page [illegible])

About the middle of the 1867 I first saw this party with their families at their new homes. Claimant and others of this colored party told witness that they returned in March 1867 to the Nation.

No Direct

I learned from John Coker that most of this colored party returned to Kansas after their families had a few remained. I was at General Convention of the Colored People in 1866. It was witness understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. H. Sohn was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Alberty.

Attest

D. L. Nicholson,
Clerk.

Aaron Whitwire
vs
Cherokee Nation.

Tahlequah Ind T. May 16, 1898.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N.

Arthur G. Grininger, being first duly sworn, states that he was employed to the Commission to the Five Civilized Tribes, he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Grininger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) F. G. Bonnet,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was reported by me.

Subscribed and sworn to before me this 16th day of June, 1902.

Bruce S. Jones
Notary Public.

File with Cherokee Freedmen Dn

Commission to the Five Civilized Tribes,
Vinita, I. T. May 8,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 38 I think.
Q What is your post office address? A Turner, Cherokee Nation.
Q What district do you live in? A Goweesoogwee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 124, No.313, Goweesoogwee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Pakie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put out? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.
Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '65? A Well you see I don't read and I can't write, I didn't keep no count of the days and the months bec cause my owner's didn't give me time to get my education.
Commissioner: Was it in the spring or summer? A It was along in March when I came back in 1866.
Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir.
Q Had been out before that and I came with him, and to put up a house and I came back with him in '66.

Q. The first time you came back was in March after the treaty was made? A. Yes, sir, that is when we moved there.
Q. How long before that was it when you came out? A. I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q. About how long did you stay out here when you had put up the buildings? A. We stayed three or four days and then went right back and moved down.
Q. What kind of buildings did you put up? A. We put up a log cabin.
Q. Out on Big Creek? A. Yes, sir.
Q. How far from where Sam Webber lives? A. Sam lived up the north side of Kowetta and we live up there on Big Creek, I can't tell you exactly how many miles. He lives at Kowetta and we live up there on Big Creek.
Q. What old Nickson lives near where you first located? A. Where you first located when you first moved out? A. There wasn't anybody lived there now.
Q. Was some old citizen who lives at the place now where you located then? A. Sam Webber.
Q. Does Sam Webber live at that place now? A. He didn't live there but he don't live there now.
Q. Who lives at the place Sam and you came to? A. The Nelges and the Webbers and Sandersons and a whole lot of them.
Q. You have lived there ever since? A. Yes, sir.
Q. You came out in March the first time? A. Yes, sir.
Q. Do you know anything about Sam Webber's wagon? A. I know when they got the wagon out and this wagon is the wagon.
Q. Whatever he did? A. Yes.
Q. The year though? A. If I am not mistaken I think this is the year. I don't remember exactly what year it is.
Q. You are not certain? A. No, sir.
Q. Do you know when the treaty was adopted? A. No, sir, I don't know when it was adopted. If the treaty had told Mr. Hastings you came out too much after the treaty was adopted, you don't know that?
Q. Have you got any witnesses? A. No, sir, I don't.

Sam Webber, being duly sworn and examined by Commissioner Handley, testified as follows:

Q. What is your name? A. Sam Webber.
Q. What is your age? A. About 50.
Q. What is your post office address? A. Kowetta.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes.
Q. Now where did you first locate? A. Where I first located? A. Yes, sir.
Q. Do you know Aaron Nickson? A. Yes, sir.
Q. Is he now living? A. Yes, sir.
Q. Was he a citizen? A. He was a citizen.
Q. To which did he belong? A. Cherokee.
Q. Was he a Cherokee by blood? A. Yes, sir.
Q. Where was he during the war? A. He was with me in Texas.
Q. When did he come back? A. He was with me in Texas.
Q. Did he come back with you? A. Yes, sir.
Q. Did you come back in March? A. Yes, sir.
Q. Do you know anything about Sam Webber's wagon? A. Yes, sir.
Q. What about it? A. I know when they got the wagon.
Q. Do you know when the treaty was adopted? A. No, sir.
Q. Did you know when the treaty was adopted? A. No, sir.
Q. Did you know when the treaty was adopted? A. No, sir, I don't.
Q. Have you got any witnesses? A. No, sir.

Sam Webber, being duly sworn and examined by Commissioner Handley, testified as follows:

Q. What is your name? A. Sam Webber.
Q. What is your age? A. About 50.
Q. What is your post office address? A. Kowetta.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes.
Q. Now where did you first locate? A. Where I first located? A. Yes, sir.
Q. Do you know Aaron Nickson? A. Yes, sir.
Q. Is he now living? A. Yes, sir.
Q. Was he a citizen? A. He was a citizen.
Q. To which did he belong? A. Cherokee.
Q. Was he a Cherokee by blood? A. Yes, sir.
Q. Where was he during the war? A. He was with me in Texas.
Q. When did he come back? A. He was with me in Texas.
Q. Did he come back with you? A. Yes, sir.
Q. Did you come back in March? A. Yes, sir.
Q. Do you know anything about Sam Webber's wagon? A. Yes, sir.
Q. What about it? A. I know when they got the wagon.
Q. Do you know when the treaty was adopted? A. No, sir.
Q. Did you know when the treaty was adopted? A. No, sir.
Q. Did you know when the treaty was adopted? A. No, sir, I don't.
Q. Have you got any witnesses? A. No, sir.

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken?
A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

[redacted]

Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

.....Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October, 25th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Rose C. F. D. 360.

Appearances:
W. W. Hastings for the Cherokee Nation.
McBride & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q. Give me your full name? A. Douglas Walker.
Q. How old are you? A. 30.
Q. What is your post office? A. Round [illegible]

(By Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miama Walker.
Q Was your father and mother here the first of the month? A Yes sir.
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound city, Kansas, in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir
Q Where did you know Him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living, at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67; I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognised his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you know him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the Fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '65.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time; a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dates absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66
Q Did he brought some hides and furs?
Q Was it not in March? A March then?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was going down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling any furs in Kansas? A I dont.
Q Do you remember of them trying to build a house in the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedx in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Reason)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Pilmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Bruce B. Jones
Notary Public.

 (Continued from Steno. Chas. von Weise.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Webber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farm of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '68, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commissioner: We will take it for what it is worth and let the Commissioner pass on it.
BY MR. HASTINGS:
Q That is your best judgement? A Yes, sir.
Q That is your best recollection? A (No answer.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.
BY MR. SMITH:
Q Mr. Short, how old were you in '66? A About 13 years old, September 5, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two? A Yes, sir, I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '65.
Q You don't know what time in '65 they were there? A They were there before '65.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr., and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '65 I think, directly after crops was made; they come down here and they went back up there together in the fall.

Mr. Ross (cont'd) 7.

Q Well, did they ever come back together? A I don't know whether they did or not before this. Some back I don't think.

Q What could Sam do, did he come down with his father? A Yes he came down with his father. I don't know whether he came back or not. I know Sam and the old man came back and got the family.

Q Do you know that they came back together? A Now, I am pretty sure that they came back. I know I saw them afterwards.

Q Do you remember of Sam Webber Jr. ever bringing any horses into the country? A I don't remember. I don't remember. I remember Sam telling me he had bought some.

Q When did he tell you he had bought some? A In the fall of '66.

Q He had been down here in the fall of 1856 and had built a cabin? A Yes sir, he told me he had the cabin built.

Q And now that cabin was there when they took all the people out you think was in that cabin? A I don't know, but it was in my mind.

Q Your mind or memory? A I don't know, but it was in my mind.

Q What year? A '67.

Q You say you don't say anything about that? A I don't know whether I did or not.

Q You don't know whether he did or not? A No sir, that is a

A Here was the Webber family during the winter of 1856 and 1857. The

Q Well, did you see him there? A Yes, I think he was there pretty much all the time.

Q Well do you know? A I don't know as he was there pretty

Q You can't state positively that he was or was not? A I know

Q Can you state that positively? A No sir, not unless I got

Q You must say that? A No sir.

Q Now did you remember about Sam Webber coming up there in the

A No sir, I don't remember. I don't know how I have got that

Q Did you remember that he came in the fall of '66? A Yes sir.

Q Did you see a boy about 12 years old? A Yes sir.

Q What is there in that to fix the date in your mind it was in 1866

A I know we moved from the things

Q How about the first time the death in the family? A There

Q You don't seem to be positive about it? A Yes sir.

Q Was the family all over, another time? A

Q Was you ever acquainted with Mr. Webber? A Yes sir.

Q Was you ever acquainted with Mr. Webber in 1856? A Yes sir.

Q Was you ever acquainted with Mr. Webber in 1866? A Yes sir.

Q Was you ever acquainted with Mr. Webber in 1867? A Yes sir.

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post-office? A Mantey.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864."? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866".?
A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died?
A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.
Q Did you know a sister of Joe's called Chloe? A Yes sir.
Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one of the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I want pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I want be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides to the community?
A No sir, I didn't charge my mind with anything like that.

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way
Q Where did you move from this place that you live? A Where did I move from.
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You knew of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they came sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You wont be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certian it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Rose? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q ~~Talked with them some?~~ A Well I just spoke to Joe; Sam I did not know that he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then come back.
Q How do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, and came first when they returned from this trip looking for claims you speak of? A They came together
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not. When they came after their c claims.
Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir, sometime alongin the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts
Q Now what makes you think it was in February or March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the ground.
Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left, that is the best of my knowledge.
Q Now in what way do you fix the date you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the day by the people, of this child's death; they were there; that is, the family there, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN O. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th,1901.

J. C. Starr,

SEAL.

Notary Public.

To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereoon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months of a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Was this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never saw them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came there.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 18, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript

A R Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Pascal B. Jones
Notary Public.

Filed with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 28, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee freedman, she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I don't know my age.
Q About how old are you? A I was four years old when we came here with the old negroes.
Q Was that when the Cherokees first moved in this country from the old nation? A Yes sir.
Q That would make you about 71 years old, wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Tahlequah.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you been here ever since you came with the Cherokees in 1839? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee freedman? A Yes sir.
Q Were you a citizen in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it. She is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows: Page 176, No. 2655, Alice Sanders, Tahlequah district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your money every payment? A Yes sir.

The Kern-Tompkins roll of the Cherokee Nation examined and the name of the applicant not found thereon. Roll No. 100 No. [illegible] Tahlequah district.

Q Did you ever go by any other name or nickname? A Nothing that was so common.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 132, No., 40, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 131, No. 2766, Elizabeth Meigs, Coowescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all came here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves wa'nt but budding out then on the trees when you and your husband and children got here? A [illegible] on the trees, [illegible]
[illegible]

Q Any one else that you remember? A There was little Sam Webber
[illegible]
Q Any other [illegible]? A [illegible].
Q Did any one else come down? A [illegible]
Were you there when they started down? A We all came together
Q [illegible]
[illegible] you [illegible] on in advance of you? Who came
[illegible] come with you
Q You [illegible] down? A Yes sir.
Q And [illegible] sir.
Q These [illegible] sir.
present [illegible] sir.
Q Did they [illegible] you can think of at the
in [illegible] or on horseback that time? A They came
Q And [illegible] all came [illegible]
Q Did you [illegible] A Yes sir.
Q Did [illegible] A Yes sir.
Q Where did [illegible] A Yes sir.
Q Where I am [illegible] A I came right
Q And you [illegible] Nation.
built [illegible]
Q [illegible] What old house was
A [illegible]
old [illegible]
Q [illegible] A Yes sir, in the same
Q [illegible]
A [illegible]
Q [illegible] you came there besides your
[illegible] there was some living.
[illegible] came to Big Creek were
[illegible]
[illegible] along the road through the Nation
[illegible] A No sir.
[illegible] down with you between [illegible] with
[illegible] A [illegible] road finally all [illegible]
[illegible] Nation, [illegible]? A Yes sir.
down with you? A [illegible] other [illegible] came
[illegible] A telling
[illegible] there and there was Sam
[illegible] Webber [illegible]? They all came with you?
[illegible]
[illegible]
[illegible] A [illegible] to all that I gave you.
[illegible] A [illegible] came with me.
[illegible]
[illegible] A I am a telling you all that I
[illegible] long time for an old woman like me.
[illegible] are living at was did you? A Yes
[illegible]
[illegible] that were old residents?
[illegible] there.
[illegible] and there we was
[illegible]
[illegible] if you
[illegible] A Yes sir.
[illegible] A No

Q Any [illegible]? A No sir, never saw none.
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and he moved to it.
Q Was he a [illegible]? A Heavy [illegible].
Q Is he living [illegible]? A Yes sir.
Q Some 3 or 4 years after you came did your husband want to [illegible] A Yes sir.
Q Did [illegible] about his disturbing?
Q [illegible] A I don't know sir.
Q [illegible] was disputed? A I don't know sir. I never paid any attention to any such things as that then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court or Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my husband was before he died.
Q I mean in Court? A That is what I am a talking you.
Q You know what a court is? A Yes sir.
Q What court do you know? A Judge Clifton's court.
Q Any other court that you know of? A I know of the Wallace court.
Q Other? A No sir.
Q Did he ever have anything done to get his case by the Cherokee Commission? A I dont know what was done, my man went there every year or was but I dont know what was done there.
Q How long did it take you and those people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce?
A Yes sir.

[illegible] called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant: (Examined by the Commission).

Q What is your name? A [illegible].
Q How old are you? A I suppose I am about 50.
Q What is your post office? A [illegible].
Q How long have you lived in the Cherokee?
Q Were you a slave in the Cherokee Nation? A All my life.
[illegible]? A Yes sir.
Q Who did you belong to? A [illegible].
Q Were you taken to [illegible]?
Q You have a wife living? A Yes sir.
Q How long have you had [illegible]? A [illegible] sir.
Q [illegible] A About 30 years
[illegible]
[illegible]
Q Did you ever [illegible] Cherokee citizen?
[illegible] A [illegible] of the Cherokee Nation before
Q [illegible]
Q In what [illegible]
[illegible] I was [illegible]

Q Where was it situated? A At Lexington.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson (Scholfield) was chief.
Q And that before the 1840 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1840 roll? A No sir.
Q Were you required to buy a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Tahlequah Nation, at the time.
Q Do you know the applicant Elizabeth Badger? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings

Q Peter Badger's citizenship was disputed the last time you went? A Yes sir.
Q Did he go before the court in the same case? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before the court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Boy Danielson court, I think he went with my father.
Q Was Bob Dunlap Chief Justice at that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In 1871 wasn't it? A Yes sir.
Q Was any action taken in that court? A I don't know.
Q You were not there yourself? A No sir.
Q You were about 18 or 19 years old when you came back? A Yes sir I guess so, I don't exactly know how old I was.
Q You were not married then? A No sir.
Q How long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Thirty or 35 years, or so.
Q How long did you live with your first wife? A Not very long, six weeks.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how old you were the first time? A No answer.
Q You first came? A Yes sir.
Q Was alone with you? A Several were in company; it is hard [illegible]
[illegible] A [illegible] was a wife in August and her [illegible]
[illegible] A [illegible] Peter Badger and
[illegible]

Who else came with you? A My brother Sam and the Whitmires.
Which ones? A Several.
Which ones? A Rose and Reaves, and the Webbers.
Name them? A Old man Sam and younger Sam and little Aaron, and I can recall Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all came.
Was some then you came in October? A I dont know who all came then, some of that same crowd and some more came in October.
Do you remember any additional surnames? A To the best of my knowledge the Smith family.
What was his first name? A Old man Cesar Smith.
You came in both of the detachments yourself? A No sir.
Which one did you come in? A I came in August.
You didn't come in October then? Yes sir, I came when we first came, we brought some of our farming utensils when we came in August and left them on the creek.
On Big Creek? A Yes sir.
Where Mrs Meigs lives? A Yes sir.
And you returned in October, how long did you stay in October?
We all didn't return in October, we didn't all go back, some staid in August, some again and some came back, some of us brought our things with us and some came to look out homes, we all came with the intention of making our homes here.
When did you afterwards move here the last time? A In the winter of '66 is when we came down here the last time.
What time in the winter? A Year in January.
Last year in '67.
No in the winter of '66.
If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

You say you first came here in August of '66? A Yes sir.
That was your first coming was it? A Yes sir.

By Hastings:

When you moved here permanently, tell all that you possible can remember of the same with you in the January or February following? A This family is one, here, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
I dont mean only of that family, there were other families were there not? A Old man Billy Perman.
Who else? A He had several children.
The heads of families I mean? A Fannie Sanders, I dont recollect the old lady's name as I can call the names of all of them.
There was one of the Webbers along? A Yes sir.
Old man Sam and young Sam? A Yes sir, I would not pretend to remember all over as I had forgotten then Webbers and as I came back for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

[illegible] Webber name? A Yes sir.
[illegible] A Yes sir.

By Mr. [illegible]:

Q Dont you remember any one else? A Rachel [illegible].
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came first you? A Yes sir I guess I do.
Q You say you come to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through that is Chetopa and came on west through the prairie? A We may be so.
Q You were in Wagoner? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your people built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother named William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil War closed was in August of '65? A Yes sir.
Q For what purpose did you come back there? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip.
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
Q You staid here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for staing this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed; you get his first name? A No sir I dox not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes,sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Way he said that he had come down to make him a place somewhere up here on the Verdigris, or big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:
L. T. Brown, agent for applicants;
L. D. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Notary Public.

Appl.-C.P.D.6

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory, that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; the railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:
MR DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q. Where did you live before moving to Chelsea? A. Lived on Grand River [illegible]
Q. Do you know [illegible] in this case, or his family? A. [illegible]
Q. Where were you living [illegible] part of the eighties or early part of the [illegible] on Grand River.
Q. Do you know when the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A. It must have been the latter part of '70 or '71.
Q. Had you any connection with it any way that makes you remember it? A. Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q. And that was in what years it built down there? A. The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q. You don't know the applicant, Mr. Markham? A. No, sir, I don't.
Q. You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A. No, sir.

Commissioner: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.591.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) F. B. Needles,
Commissioner.

...

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Notary Public.

F. D. [illegible]

[illegible] filed March 7, 1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I. T., March 15, 1902.

In the matter of the application of [illegible] Lucy for the enrollment of herself as a Cherokee Freedman.

[illegible] appears by W. [illegible] Hastings.
[illegible] appears in [illegible].

The witness being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A. Orel Lydia Benton.
Q. What is your postoffice? A. Fort Scott, Kansas.
Q. Do you hold any official position at the present time? A. Yes, sir.
Q. What is it? A. County Clerk.
Q. Of the county in which Fort Scott is located? A. Yes, sir.
Q. Have you an official paper? A. Yes, sir.
Q. What is it? A. Our official paper at the present time is the Republican, but that changes too fast to know from time to time.
Q. Do you know what your official paper was in December, 1866, and up to and including March of 1867? A. Yes, sir.
Q. What was it? A. The Fort Scott Monitor.
Q. Are you required to keep files of this paper in your office? A. We are.
Q. Have you a file of the Monitor paper including December 22, 1866? up to and including March of 1867? A. Yes, sir. (Here presents files.)
MR. HASTINGS: The Cherokee Nation or are in evidence the account found in the Fort Scott Monitor of date December 22, 1866, found on the second column of the editorial page, headed "Another Murder."
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and merely hearsay.
COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd inst., [illegible] Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail charged with the crime. There would not seem to be much, if any, doubt as to his guilt. Mr. Hayford was better a resident of Fort Scott, [illegible] grocery and provision [illegible] kept a [illegible] Street, and was a [illegible] Williams and Decker [illegible] of his murder as we learn there was none.

On Saturday, about dusk, the sack of flour which Mr. Hayford had placed on a [illegible] outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott Mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground in the last agonies of death. He had received four shots from a [illegible] apparently a revolver.

[illegible] was arrested. He
[illegible] and the information
[illegible] made; but prior
[illegible] a chopper's
[illegible] Brooke,
[illegible] to
[illegible] depth.
[illegible] gave no [illegible]
[illegible] examined
[illegible] pistol or gun of [illegible]
[illegible] death before they
[illegible] side of the body. [illegible] over the
[illegible] alone to [illegible] that
[illegible] wounds found on the body were about [illegible] apart
[illegible] and about an inch and a half [illegible] above the left nipple
[illegible] the left shoulder, the other [illegible] through, coming
[illegible] to the spinal column [illegible] downward [illegible]
on the left side of the body. [illegible] the lower right
part of the chin, and fracturing [illegible] entered the upper
shoulder [illegible] fired, [illegible] on the right
The surgeon [illegible] that one of the [illegible] was off the ground.)
body could have been [illegible]

Albert Collin, [illegible] man [illegible] at Raymond at about even-
ing, [illegible] after six o'clock, [illegible] at his home at
[illegible] went in and found Raymond alone and coming toward the door:
[illegible] colored man standing on the walk when I went into
Raymond's. A sack of flour was standing on the box at the door [illegible]
I went in; Raymond was [illegible] and the flour was gone; he asked me who
was there when I came in and I told him; he asked me to go to the
[illegible] and [illegible] had [illegible] the flour; did so; rode
and stopped and the man [illegible] the hill from [illegible] found the mill; he
got out of the wagon [illegible] on the ground beside a hill; his
[illegible] and of the sack was
[illegible] to his sides and
[illegible] with a
[illegible] and told
[illegible] go
[illegible] down
[illegible] where I heard the [illegible]
place where [illegible] and ran to the
at Raymond's [illegible] when I saw Jackson
[illegible] was I found
[illegible] Watkins Mackey
[illegible] he was arrested,
[illegible] for [illegible] room
[illegible] said
[illegible] I [illegible]
[illegible] floor
[illegible] with
[illegible] varies. I

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mack y again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury reurned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in Company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery: but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even afterthey approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was sino burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large processe- ion, headed by the members of the Grand Army of the Republic, to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his conceal- ment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated know of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '66, December? A I have lived there ever since '62.
Q Did you know Dyer Hayford? A Yes, sir.
Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Eli Mackey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometim in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him?
A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 20th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 20th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him?
A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I know it was only a few days before Christmas when the killing was done
Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

[illegible]

Mr. Hackney: The [illegible] Aaron Wedge, [illegible] in reference to the [illegible] testimony, be incorporated and made a part of the record in this case.

[illegible] for the applicant and rests the [illegible] AT this case all the testimony [illegible] is inconclusive, irrelevant, [illegible] merely hearsay [illegible] of the representative of the Choctaws [illegible] and the testimony filed [illegible] will be filed with and made a part of the record in the following Choctaw Freedman cases: No. D-394, D-395, D-396, D-401, D-402, [illegible] and in D-391, the same being the [illegible] case at bar.

Arthur G. Grondman, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes; he recorded the testimony and proceedings in the above cause, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

(Signed) Arthur G. Grondman

Subscribed and sworn to before me this [illegible] day of May, 1904.

(Seal.) (Signed) Phillip G. Hauer

Notary Public.

I, Arthur G. Grondman, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Grondman

Subscribed and sworn to before me this [illegible] day of May, 1904.

[illegible]

Notary Public.

To be filed with
F.D. 528 ~~with~~ F.D.900.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 16, 1902.

In the matter of the application of Mary Harris and others for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-528.

APPEARANCES:

Mellette & Smith for applicants.
W.W. Hastings for Cherokee Nation.

HARRY E. KELLEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Harry E. Kelley.
Q What is your postoffice? A Fort Smith.
Q How long have you lived at Fort Smith? A 15 years last January.
Q Where did you move from when you moved to Fort Smith? A Coffey County, Kansas.
Q What was your postoffice? A Burlington the last few years I lived there, but I was born at Ottumwa, Kansas, and lived there until I was about 18 years old.
Q When did you leave Ottumwa, Kansas? A I left Ottumwa in 1880.
Q Did you know a colored man up there by the name of John Curry? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Charlotte.
Q How early do you remember of knowing them? A As early as 1868, I think as early as 1866.
Q Did you know of them in 1866? A I can't quite fix the year that they came on my father's farm to live, but I have a distinct recollection of their being there in 1868, when I left on a trip for Ohio, and was driven to the railroad station about fifty miles away by the old Martin Bowlin, sometimes called Martin Adair, whowas the husband of John Curry's mother.
Q What was her name? A Polly, they also lived on our farm.
Q Well John lived there at the same time? A John lived there from 186 until 1872 or '3.
Q Then where did he move? A Then he homesteaded a piece of land about two miles from our house.
MR. SMITH: I object to the testimony with regard to the homestead, not being the best evidence.
COMMISSION: Objection will be noted: proceed.
WITNESS: And moved onto that land and lived there until after Charlotte died.
Q About when did she died, that is his wife? A Yes, his wife, she died about 1884.
Q Was she buried there or do you know? A Yes, sir, she was buried there.
Q What became of him afterwards? A I saw him around there for a year or two afterwards, and then I heard he was dead; I don't know it personally, anything about his death.
Q Do you know whether this John Curry was ever in trouble up there prior to 1868? A Yes, sir.
Q When was that? A Killed a man in our county there about 1866.
Q Did John and Charlotte have any children? A Yes, sir.
Q Do you remember any of their names? A Mary and Teenie and Joe and Harrison, and another one I can't recall the name of the other one.
Q They were all born there, were they? A Yes, Mary wasn't born there.
Q You don't know where she was born? A Don't know where she was born.

Q Well what was John's mother's name? A Polly.
Q Well what was her mother name, what was she known by? A Polly Bowlin, they were commonly called there, sometimes they called them Adair.
Q Well you say she married a man by the name of Martin Bowlin? A No, they were married when I came there.
Q Well, lived with a man up there by the name of Martin? A Yes, sir that was her husband then.
Q He went by the name of Martin Bowlin? A Yes, sir, Martin Bowlin.
Q And you knew them in '68? A Yes, sir, first recollection I have of Martin and Polly and their family was moving them out of the bottm time of the flood in '66; they were clearing land for my father and the overflow came, and he brought them up to the house out of the flood.
Q Well did Polly, who was the mother of John, have any children that you know of? A Yes, sir.
Q Besides John I mean? A Yes, sir.
Q Name them? A Well she had one who used to come there occasionally, named Frances.
Q Yes, sir. And another named Nancy and Nathan and Julia and Rachel.
Q Well do you know who Rachel Married? A Married a darkey named Harry Steele.
Q Do you know who Frances married? A No, sir.
Q Do you know his name at all, I mean his surname? A No, I do not. can't recall now.
Q Do you know who Julia married? A No, I perhaps have heard but I
Q Well now how long did you continue to know this family up there, I believe we have traced John Curry and his wife; but I mean John's mother Polly, and Rachel and the rest of this family that you have mentioned? A Polly and Martin lived on our place until Polly died,
Q About when? A Polly died between '69 and '71, I remember being there when I came home in the fall of '68.
Q They were there then? A Yes, sir, and she died before I went to Ohio to school in the fall of '71.
Q So it's between those times? A Between those times. Martin went away after her death for a time, and came back there, and died on our farm, and was buried there, and he died about '74.
Q What is your occupation Mr. Kelley. A I am in the real estate and loan business.
Q In Fort Smith, Arkansas? A Fort Smith, Arkansas, yes, sir.
Q Do you know whether this Polly Bowlin was also known as Polly Adair
A Yes, sir.
Q You know that showing the mother of John Curry? A Well, she said she was, and it was generally said she was.

Q Well recognized? A Yes, sir, the recognized mother; they all came there together.
Q And she's the recognized mother of Frances Anderson and Rachel Steele? A Well I don't know about Frances Anderson, I know Frances
Q And Rachel? A And Rachel and Julia and Nancy.
MR. SMITH: Mr. Kelley, the Frances you speak of, you don't know what her name is? A I never knew of her as Frances Anderson, no.
Q Well you speak of her coming there from time to time; do you know of your own personal knowledge where she lived? A No, sir, I don't, she just came to visit; these Currys lived right in our same yard or right close to it, and she came there on visits to her brother and her half-sisters, who worked in our house.
Q And you can't say positively that you knew the Currys before '68?
A I have no distinct recollection of the Currys before, and I can place, before '68.
Q Yes. A Although I have understood that they came there all together, the whole bunch.
MR. SMITH: I move to strike that because that's what the witness understands and not what he knows.

COMMISSION: Motion will be noted, and the testimony will be considered for all it is worth.

MR. SMITH: But so far as your personal knowledge goes you can't fix them there before '68? A I can't fix the Curry's there before '68 on our place.

Q Well now that was the first personal knowledge of them, was on your place? A No, sir, it wasn't.

Q You spoke of moving somebody up out of the bottom, who was that?

Q Old Martin and his family.

Q Who was Martin with reference to John Curry? A John Curry's mother was old Martin's wife.

Q Then he was John's stepfather? A Yes, sir.

Q Well now you spoke of somebody killing a man, now who was that?

A John Curry.

Q Well was that your personal knowledge or a matter of hearsay?

A Well I didn't see the killing done, I knew of his being tried there but it was the first thing of the kind I ever heard, and made quite an impression on me.

Q Can you say when he was tried? A Well it was prior to '68. I can't give you the date, no.

Q Do you know what year it was that he killed the man? A To the best of my recollection was in the ~~xxxx~~ spring of '66.

Q You say he was indicted and tried? A He was tried; I don't know anything about the indictment.

Q Do you know of your own personal knowledge that he was tried?

A Well I was told around town there.

Q You only heard? A Yes, sir.

Q And now, if the court please, I move to strike the testimony with regard to John Curry's killing a man because it does not appear to be the best evidence.

COMMISSION: Motion will be noted, and the testimony considered for what it may be worth.

Q When was the last you knew of those Currys? A I knew, I remember when Charlotte died, and considerable of John after she died, as near as I can fix the date she died in '84.

Q 84? A '84.

Q What time did you make your visit to Ohio before you went to school

A In '68.

Q How old were you then? A I was 6 years old, about six years and a half old.

Q Then how long were you in Ohio that time? A Oh, a month or two, short time.

Q Then when did you return there to school? A I went there to school in the fall of '71.

Q How long did you remain? A I stayed there until the fall of '72.

Q When did you leave that part of Kansas? A '87.

MR. HASTINGS: What was your father's name? A Harrison Kelley.

Q Your father used to represent that section of the country up there?

A A member of Congress from that district, if that's what you mean, yes, sir.

Q In what years? A He was elected in '88.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-541, D-533, D-534, D 532, and in D 528, the case at bar.

MR. HASTINGS: The Cherokee Nation asks that this testimony be filed in the case of Frances Anderson D-527, and in the references thereto as follows: D-487, D-488 and D 500.

MR. SMITH: The counsel for Frances Anderson and cases connected therewith and of [illegible] cases connected [illegible] of the [illegible] filing in these [illegible] it does [illegible] said testimony [illegible] for the reasons stated by him [illegible] with the [illegible] Frances [illegible] Anderson.

MR. HASTINGS: The Cherokee Nation contends that this testimony is relevant, and that the Frances mentioned in witness H.E. Kelley's testimony is identical with Frances Anderson for the reason that the testimony shows that she was a sister of John Curry and the testimony further shows that her mother's name was Polly Adair, and the testimony further shows that she had a sister by the name of Julia, and the testimony further shows that she had another sister by the name of Rachel Steele, identified by this witness in his testimony; and the applicant Frances Anderson claims to have returned to the Cherokee Nation with her mother Polly and her step-father.

MR. SMITH: The applicant further objects to the introduction of said testimony into this case for the reason that it is incompetent, irrelevant and immaterial, as the testimony of said witness shows that she visited the place mentioned by said witness, and that it was not within his personal knowledge where said Frances lived.

COMMISSION: The objections will be noted and the testimony filed with the case of Frances Anderson and the cases relating thereto as above enumerated.

HARRY E. KELLEY, recalled:

MR. HASTINGS: Mr. Kelley, did you know Rachel Steele after she was married? A Yes, sir.

Q Did you know her husband's name? A Harry Steele.

Q Did they live there near you? A They lived on our place, there right by our house, worked for us.

Q Have any children? A Yes, sir.

Q How long did you continue to know them there? A After the death of Rachel's mother she -- I don't remember her again until she came back there married to Harry Steele. I think she came back about '75, and they lived there by our house for some five years after that.

MR. SMITH: How is it spelled? A S-t-e-e-l-e.

Q How many children did you say they had? A There was several, I don't recall how many, several children I think of them born there on the place.

Arthur G. Croninger, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of May, 1902.

P.G. Reuter,
Notary Public.

(SEAL)

C. L. Mielens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied in full the testimony in the above case, and that the foregoing is a true and complete copy thereof.

C. L. Mielens

Subscribed and sworn to before me this 10th day of June, 1902.

[illegible]
Notary Public.

P. [illegible],

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Elijah Fleetwood for the enrollment of himself, [illegible] wife and child as Cherokee Freedmen.

SUPPLEMENTAL TO D-[illegible].

APPEARANCES:
Lewis F. Brown, representing Bellette & Smith, for applicants.
W. W. Hastings for Cherokee Nation.

MR. KAPPLER: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in D-[illegible] be filed with and made a part of the record in this case.

COMMISSION: The request of the Cherokee Nation will be complied with and the testimony filed.

Arthur G. Gronniger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above cause, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Gronniger

Subscribed and sworn to before me this [illegible] day of July, 1902.

(Seal)

[illegible] Rutter
Notary Public.

Cher Fr D 901

Cher Fr D 901

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 27th 1901.

In the matter of the application of Thomas Archer for the enrollment of himself and wife as Cherokee freedman; he having been first duly sworn by Commissioner T. B. Needles, testified as follows:

James Davenport, Cherokee Representative.

Mellette & Smith, attorneys for the applicants.

By Com'r Needles:

Q What is your name? A. Thomas Archer.
Q How old are you? A. I am about 50 years old.
Q What is your postoffice address? A. Lenapah.
Q In what district do you live? A. Coowescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you desire to have enrolled besides yourself? A. Myself and wife.
Q What is your wife's name? A. Georgeann Archer.
Q How old is she? A. About 35 years old.

By Mr. Smith of counsel for applicant:

Q How old are you? A. About 50 years old I guess.
Q Were you born a slave? A. Yes sir.
Q Who did you belong to? A. Mrs. Archer.
Q Was she a citizen of the Cherokee Nation? A. Yes sir.
Q A Cherokee Indian? A. Yes sir.
Q Where did you live before the war? A. In Saline district.
Q Where were you living when the war commenced? A. Living at Mrs. Archer's, in Saline district, at Spring creek Prairie in the Cherokee Nation.
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir
Q Whereto? A. Fort Scott, Kansas.
Q When did you get back after the war? A. In '66.
Q What time in '66? A. Long in the fall like.
Q Where did you come to in the Cherokee Nation then? A. Fort Gibson.
Q How long did you stay there? A. Until '67.
Q Where did you go then? A. Went to the salt works on the west side of Grand river.
Q In the Cherokee Nation? A. Yes sir, the Bryant's salt works, or the Liberty's.
Q Where did you go then? A. To Tahlequah.
Q Where do you live now? A. In Sequanock Bend on the Virdigris.
Q How long have you lived there? A. 35 years.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q What rolls? A. The Wallace and Keam Clifton rolls.

The Keam Clifton roll of citizens of the Cherokee Nation examined and the name of the name of the applicant found as follows thereon:
Page 145 No. 3894, Thomas Archie, Sequoyah District.

The Wallace roll of citizens of the Cherokee Nation examined and the name of the applicant identified thereon as follows:

T. A. 2.

Page 188 No. 3446, Thomas Archer. (District not given)

The 1880 authenticated roll of citizens of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of citizens of the Cherokee Nation examined and the name of the applicant not found thereon.

The name of the applicant's wife not found on any of the rolls of the Cherokee Nation in the possession of this Commission.

By Mr. Davenport:

Q You claim to have belonged to Mrs. Archer? A. Yes sir.
Q Where did you live when the war broke out? A. In Saline district.
Q On the Archer place there? A. Yes sir.
Q And you went to Kansas during the war? A. Yes sir.
Q Who with? A. I can't tell you that, a whole lot of them darkeys .
Q How old were you then? A. I dont know.
Q Were you grown? A. I reckon.
Q What family did Mrs. Archer have at that time? A. There was Lou, Ada Carrie, Mary, that's Major Lipes wife, she is the eldest.
Q Was Carrie the youngest one of the family? A. I think it was Carrie.
Q Mrs. Archer had four children that were born before the war did she? A Yes sir four, and one born since.
Q Was Carrie born before you went out of the Territory? A I dont know if it was Carrie or not, the three eldest ones I know were.
Q Where did you go when you came back to the Territory? A. To Fort Gibson.
Q Who came back with you when you went to Fort Gibson? A. Went by myself.
Q Did you walk? A. Yes sir.
Q Where did you go there, on what place did you stay? A. On the old Shaw place.
Q Who lived there? A. An old woman that used to belong to Mrs. Cre.
Q How long did you stay there? A. Staid there until '67.
Q Where did you go when you left there? A. Fort Gibson.
Q I thought you said you went to Fort Gibson first? A. I went to the Shaw place first and then went to Fort Gibson.
Q What direction is that place from Fort Gibson? A. West between the Grand and Verdigris rivers.
Q Then where did you go? A. Went from there up on Spring creek.
Q What was running the stores in Fort Gibson when you got there? A. Jesse Bushyhead.
Q Who did you know there besides that? A. I dont know who all, I met some there, but I didn't know many as I was never there before.
Q And you went there by yourself from Kansas? A. Yes sir.
Q How old was you when you came back to the Cherokee Nation after the war? A. I dont know.
Q Was you grown when you came back? A. I had been a soldier in the army.
Q Had you been mustered out before coming back? A. Yes sir.
Q What outfit did you belong to? A. Company [illegible] 9th U. S.
Q Where were you mustered out? A. In Arkansas.
Q Where did you get your discharge? A. In Leavenworth.
Q Well after you left the Shaw place where did you go—I mean after you left Fort Gibson? A. To Spring creek.

T. A. B.

Q Did you ever go back to Mrs. Archer's? A Yes sir in the spring of '67.
Q Was she living in Saline district then? A. Yes sir .
Q Where did you go from there? A. I went to the Alberty or Bryant Salt works from there.
Q Where have you been living since? A. I have lived on the Virdigris and knocked around to a good many placed were I has been working.
Q Where were you married? A. In Kansas.
Q What year was you married? A. The year after I was mustered out.
Q What year? A. '68, a week before Christmas, just took my Christmas present so to speak.
Q When did you bring your family to the Cherokee Nation? A. I didn't have any family, I brought my wife with me.
Q Who else came along? A. No one, just me and my wife.
Q How did you come? A In wagons.
Q Where did you cross the Neosho river? A On the Military road.
Q At what point? A I cant tell.
Q Where did you cross the Grand river? A We ferried it.
Q Did you see Clem Rogers in Fort Gibson? A. He was on Canadian river then.
Q How do you know? A. He came there in '67 and taken the lick from us.
Q Did you see Houston Rogers about that time? A. I saw him on Spring creek in '67.
Q Did you see Jake Lipe in Fort Gibson then? A. I didn't know him then.

By Mr. Smith-

Q What was it you said about Clem Rogers taking a lick from you? A. He come there and took it from Lieutenant McCullegue or something like that.
Q Took what? A. The salt lick, the works where they made salt.

By Mr. W. W. Hastings (Cherokee representative)

Q Did he take it the next year after you come back? A. He taken he the year I was there.
Q Was that the next year after you come back? A. It was in '67.
Q What time of the year? A. In July.
Q You had returned in the fall of the year before had you? A. I come from Kansas in '66.
Q When was this salt works taken, you said in July, now with reference to the time you went there, when was it taken? A. I went there in February and went to work and got my feet burned, stepped in a salt pan.——
Q Well we dont care about all that, when was it taken fro the man that had it in charge when you worked there? A. In July '67.
Q Was Col. Bryant there then? A. He come there and helped take it in July.

By Mr. Smith:

Q Where were you during the war? A. In the United States service.
Q When you were mustered out you come back did you? A. Yes sir I land here in '68.
Q Were you here any time before that? A. Yes sir I was mostly in Fort Gibson in '67
Q Where were you you in in '67? A I told you I worked at the salt works from February until July of '67.

By Mr. Davenport-

Q You hadn't been back to the Territory more than a year when they come and taken the salt lick from you? A I hadn't left the Territory, that is I was all over the Territory during the war.
Q Well after the time you were mustered out and came back to the Cherokee Nation in '66 you had not been here more than a year before they taken the lick from you? A. Yes sir.
Q You came back one fall and the following July they taken the lick from you? A. Yes sir.

By Smith-

Q Is your wife a state woman? A. No sir she belonged to Joe Martin.
Q Was he a Cherokee Indian? A. Yes sir.
Q Where was she living when the war broke out? A. On Bryor creek
Q When did you marry her? A. In '66.
Q Where? A. In Lawrence, Kansas.
Q When did she come back here? A. With me.
Q In the fall of '66? A Yes sir.
Q Was she with you through all these moves you mentioned? A. Yes sir but that woman is dead now.
Q You married again did you ? A Yes sir.
Q Where did you marry your present wife? A. In Goosneck Bend.
Q Did you have a license? A. No sir.
Q Who married you? A. Joe Smith
Q Where is he? A. He is here.
Q What year did you marry her? A. I married her 15 years ago.

GEORGE VANN called and sworn by Commissioner T. B. Needles, as a witness for the applicant, testified as follows:

By Mr. Smith-

Q What is your name? A. George Vann.
Q What is your age? A. 81.
Q Where do you reside? A. East of Lenapah in Geowesoocowee district, Cherokee Nation.
Q How long have you lived here? A. All my life.
Q Do you know this applicant? A. Yes sir.
Q Did you know him before the war? A. Yes sir .
Q Was he a slave? A. Yes sir.
Q Who owned him? A. Pollie Archer.
Q Was she a Cherokee Indian? A. Yes sir.
Q A recognized citizen of the Cherokee Nation? A. Yes sir.
Q Where was Pen Archer at the time the war broke out? A. With Mrs. Archer on a her place.
Q Where was that? A. In Saline district.
Q In the Cherokee Nation.
Q Did you yourself go out of the Cherokee Nation during the war? A. Yes sir.
Q After you went out were you over back here until you came back after the war closed? A. I went out in '61 and got back in '65.
Q When did you first see this applicant in the Cherokee Nation after that year? A. Just before [illegible] at Fort Gibson.
Q In the Cherokee Nation? A. Yes sir.

P. A. B.

Q How many times did you see him there? A. Once.
Q When was the next time you saw him? A. I seed him in July after last Christmas on Spring creek, he came to where I was living.
Q The following year? A. Yes sir.
Q How many times did you see him after that? A Seed him several times.
Q How far was that from the salt works? A. 20 miles.
Q Did you ever go up to the salt works? A I didn't go there right at that time.
Q Do you know of your own knowledge that he worked at the salt works? A He worked there some time for a man named McGellough.
Q Do you know where? A. No sir.

By Davenport:-

Q How old were you when the war broke out? A. I dont know, Glen Rogers kept my age.
Q Were you grown then? A. No sir
Q How far from Mrs. Archer's did you live when the war broke out? A. 10 miles.
Q How old was Tom then? A. I dont know.
Q Was he bigger or smaller than you? A. About the same size
Q Do you know where Tom went during the war? A. He was a soldier.
Q You know that? A. Yes sir I seed him in soldiers clothes when he came back.
Q Do you know where he was mustered out? A. Leavenworth.
Q Do you know that you your own knowledge? A. No sir.
Q Where has he lived since he returned? A. I never seed him to know where he was living until now.
Q How many times has he been married? A. Twice I think

Dave French called and sworn as a witnessfor the applicant:

By Smith:-

Q What is your name? A. Dave French.
Q What is your post offi e? A Lenapah.
Q Do you know the applicant Tom Archer? A. Yes sir.
Q How long have you known him? A. Along time.
Q Before the war? A. Yes sir.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. Phillis Archer.
Q Was she a Cherokee Indian? A. Yes sir.
Q Lived in the Cherokee Nation then? A. Yes sir.
Q Living there when the war commenced? A. Yes sir
Q Where was the applicant [illegible] when the war commenced? A On Grand river.
Q Where did he go during the war? A. With the soldiers, they was backwards and forwards.
Q Did you see this man Tom Archer long about thetime the war closed? A. Yes sir.
Q When? A. Christmas of '65
Q Where? A Fort Gibson.
Q Cherokee Nation? A. Yes sir.
Q How long did he stay there? A. I left him there, I dont know how long he stayed.
Q Where did you pick up him? A. On grand river.
Q How long before? A. Some time before.

Q Was it a year or two years? A. Where ? a year, 2 or 3 months.
Q What was he doing there? A. Working at the salt lick.
Q You dont know how long he staid at the salt lick.
Q Where is he living now? A. Above me.
Q How far? A. 3 or 4 miles.
Q How long has he lived there? A. Long time.
Q How many years? A. I dont know exactly, I moved there 24 years ago and he was there.
Q Has he been there ever since? A. Yes sir.
Q Do you know his present wife? A. Yes sir.
Q Has he lived with her as her husband all that time? A. I think so, I never heard of them parting.
Q Do they lived as husband and wife there now? A. Yes sir.
Q Did you see them married? A. No sir.

By Davenport-

Q You remember distinctly that it was just before Christmas that you saw this applicant there at Fort Gibson? A Yes sir as near as I can come.
Q You think it was too? A I know it was.
Q Who did you see there besides this applicant? A. Lots of them.
Q Did you see all the people that were there? A. No I guess not.
Q Well name some of those you did see? A. I saw several, I cannot call their names now.
Q I only want you to tell some one name? A. I cant think of the names now.
Q You and George Vann have talked over this case haven't you and agreed as to what you were to testify to? A. I haven't talked with George Vann at all.
Q You have never talked with him? A. No sir not about this case.
Q Was he a great man there? A Yes sir.
Q You saw his family there? A. No sir.
Q Who was he living with? A. Just there by himself when I saw him.
Q How long did you see him there? A. All that Christmas .
Q How long was you there that? A. I dont know.
Q Did you see him a week? A. Yes sir longer than that.
Q What kept you there? A. Just nothing.
Q With whom were you staying? A. I staid with Linda Tecq.
Q With whom was You staying? A I dont know that he was staying with anyone.
Q Where was his wife? A. I dont recollect.

Agnie Little, called and sworn as a witness for the applicant-

By Smith-

Q What is your name? A. Agnie Little.
Q What is your age? A. 22.
Q Where do you live? A. 2 miles north east of Lenapah.
Q [illegible] this applicant? A. Yes sir.
Q [illegible] his wife? A. Yes sir,
Q [illegible] is her name? A. [illegible].
Q [illegible] married here? A. Yes sir,
Q [illegible] married? A. [illegible] years.
Q [illegible] married? A. [illegible].
Q [illegible] husband and wife [illegible]

7

A Yes sir.
Q How far do they live from you? A. 7 or 8 miles.

By the Commission: (of applicant)

Q Have you any children by Georgeanna? A. No sir.
Q Why is your name not on the 1896 roll? A. I dont know.
Q Did you ever try to have it put there? A. Yes sir.
Q Did you ever apply to the Cherokee authorities? A. Yes sir
Q Where? A. Tahlequah.
Q Did you have any children by your first wife? A. Just Eli and Rose that are living.

By Smith-

Q Where were you married to your first wife? A. At Ottawa.
Q Did you get a license? A. The Squire married us, didn't get no license in those days .
Q You brought that wife back with you? A. Yes sir.
Q What was her name before you married her? A. Dalsie Martin
Q How long did you live with her? A. Until she died .
Q When did she die? A. In 1896.
Q Were these children born while you and she were living together? A. Yes sir the only ones I have.
Q Had you married before that? A. No sir.
Q Had she been married before that A. No sir.

By Hastings-

" In as much as the applicant states that he was married in the state of Kansas, the presumption is that a record has been made of it, and I think that the representatives of the Cherokee Nation ought to object to the allowing of oral proof of this marriage because the better evidence would be the record if there is one.

By Smith-

" He stated as a matter of fact that he didn't have a license .

By Commissioner of applicant-

Q When did you marry your wife in Kansas? A. In 1866
Q Is she dead? A. Yes sir.

William Merrell, called and sworn as a witness for the applicant-

By Smith-

Q What is your name? A. William Merrell.
Q [illegible] A. [illegible] wife.
Q [illegible] A. [illegible] sir.
Q [illegible] wife.

Q What is his wife's name? A. I cant think of her name now.
Q Is this the only wife he ever had? A. No sir he had one heafore that.
Q What was her name? A. I cant think of it.
Q Do you know this man's children? A Yes sir.
Q What are their names? A. Rosa and Nil.
Q Did you know their mother? A. I was not acquainted with her, not much.
Q Do you know whether the mother of these children and this applicant were married or if they lived together as man and wife? A. They were living together as man and wife when I got acquainted with them.
Q When was that? A. 28 years ago.

By the Commissioner;

Q Were these two children living with them? A Yes sir.

By Hastings of the applicant-

Q Who was your oldest child by your first wife? A. Will.
Q How old is he? A. I dont know
Q Is he as much as 300 years old? A I know he aint that old cause I would be 1000 then.
Q Is he over 21? A He is over that

By Hastings:

" Cherokee representativies ask for the enrollment of the applicants oldest child"

By Roll Clerk-

" Given as 19 years of age, died after May 3rd '04; dated October first 1896. "

By Hastings-

" Comes now the representatives of the Cherokee Nation and moves that the applicant be required to produce documentary evidence and proof of his marriage, or to show that a license or record and [illegible] thereof, was not required of him at the of his marriage , or alleged marriage, in the state of Kansas "

By Commr Needles:

Thomas Archer applies for himself as a Cherokee freedman and for his wife as a Cherokee freedman by intermarriage. He swears and proves that he was a slave of one Mrs. Archer and went out of the Cherokee Nation as a United States soldier and returned to the Cherokee Nation in 1866 and has resided there ever since. He swears that he was first married in Kansas, but presents no documentary proof of said marriage but presents satisfactory oral proof. He swears that he married his present wife after the death of his first wife about 18 years ago. He makes satisfactory proof of said marriage; she is identified on the Henry Clifton roll and the Kailey roll, and was a citizen by national laws of 1866 or the Kansas roll of 1867 or 1869 [illegible] Recommended, if meritorious, that applicant be enrolled [illegible]

FD901

CO.

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ACTING CHAIRMAN

any proof as to his first marriage, in order that the testimony may be used in the identification of his older children if they apply for enrollment. The testimony indicated to the mind of the Commissioner that the said Thomas Archer is entitled to be enrolled on a straight card, however, the Cherokee Nation protests against his enrollment at this time and he will be listed as a Cherokee freedman on a [illegible] card, and his name, if on Cherokee [illegible] will be [illegible] on the [illegible] roll.

* * * * * * * * * *

[illegible]

Subscribed and sworn to before me this the 11th of July, 1902.

Commissioner.

F. 2901

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this.....day.....A. D. 1901.

.....

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the.....day of.....A.D.1901

.....

Subscribed and sworn to before me this.....day of.....A.D.1901.

.....

Proof of Service made and original filed with the DAWES COMMISSION.

SEP 14 1901

SEP 2 1901

NOTICE!

IN THE MATTER OF The application of Thomas Archer for enrollment as a Cherokee Freedman:

Case No. F. D. 961

To Thomas Archer Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T., Indian Territory, on the following dates, to-wit: Sept. 25th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept., 1901.

L. B. Bond

W. W. Hastings

Attorneys for the Cherokee Nation.

F.H. 901

Proof of Service made
and original filed with the
DAWES COMMISSION.
SEP 28 1901

26 1901

NOTICE!

IN THE MATTER OF the application of Nellie Foster for enrollment as Cherokee Freedmen:

Case No. F. D. 910

To Nellie Foster Nowata I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 26th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

W. W. Hastings

J. C. Davenport

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE NAVY
NAVAL TO THE FAR EAST
APO 96

Dept.S.F.-D.1921.

[redacted]

[redacted]

[redacted] Thomas Ayshay as a Cherokee freedman?

[redacted] has been filed with the Commission that the Cherokee Nation would introduce testimony in the hearing at Fort Gibson, Indian Territory, on the 23d of September, 1921.

Gov't Position: Applicant informs the Commission that he is sick and unable to attend, consequently the cause is continued indefinitely.

J. G. Brown, being first duly sworn, stated that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the above order and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 24th, 1921.

C. R. Buchanan

Commissioner.

[illegible]

C. B. No. 901

[illegible]

Q You live here in Ottawa Kansas? A Yes sir.

(By Mr. Smith)

Where were you when the war commenced? A In Fayetteville, Arkansas

Where did you go during the war? A I went several places.

Did you go out of the State of Arkansas? A Yes sir.

Where to? A Missouri.

Where were you when the war closed? A In Kansas

Where were you when you were freed? A When I was declared freed?

Yes. A In Arkansas.

When was that? In '65, February, no it was in '62 when I received message from my Captain that I was free.

Do you know what time in '62? A Long in January.

Do you know what time in January? A I don't know, I didn't care about the time all I cared was about the freedom.

What time did you go to Kansas? A During of '64, April.

Did you know David Martin before the war? A No sir.

When did you first get acquainted with him? A '66

What time in '66? A August or September, we was at the celebration.

Where were you in '66? A I was in Pottawatomie

In Kansas? A Yes sir.

Where were you in '66, in Kansas? A Did I say '65.

Yes? A Well I was in Ohio City in '66.

Where were you in '67? A In Ottawa.

Have you lived there ever almost? A Yes sir.

When did you see that Dave Martin lived there in Ottawa? A 66, I know he's there -- it has all been so long I don't exactly remember all, I never kept no track of it.

You never know nothing of him were you and he at that celebration in '66? A No sir.

You don't know what date that was? A No sir, my recollection is getting very short. I don't know if it was August or September.

Do you know if it was either one of those months? A Yes sir.

Might it not have been as late as October? A No sir it wasn't October.

Are you sure that celebration was in '66? A Yes sir I am sure of that

What makes you sure of it? A Because I know what year it was, I know from the time I came to Kansas, I know just when I came to Ottawa.

When did you come to Ottawa?

What month? A April

How long had you been there when that celebration came off? A I lived in Linn County in '65, in Franklin in 64, and in '65 I lived in Franklin -- held on there, but we was whether that celebration was in 65 or not -- '66, that is right.

That is a matter of fact it was in '66? A Yes sir.

Who came up there? A [illegible]

Have A [illegible] I don't know there was [illegible]

[illegible]

[illegible] Martin? A No sir

[illegible] A Yes sir I recall it very well

[illegible]

[illegible]

course I can.
Q Where did you see him? A Seed him in Ottowa.
Q But you don't know where he was all the time? A Just like I did other citizens, some days I seed him and some days I didn't.
Q How long did you continue to see him there? A Seed him frequently for 6,7 or 8 years, I don't know exactly how long.
Q Where were you living in '66? A I was living down to Ohio City, south of Ottowa.
Q How far from Ottowa? A Eight miles.
Q You were not living in Ottowa then? A My home wasn't there I worked in Ottowa I was working a team there.
Q Did you team in Ottowa in '66? A Yes sir.
Q How much of the time? A I worked there all fall and summer, that was my occupation.
Q But your home was in Ohio City? A Yessir.
(By the Commission)
Q You say you got acquainted with Dave Martin's wife Jane along about '67? A Yes sir after I moved to town.
Q When did you move to Ottowa? A In '67.
Q And you have made it your home ever since? A Yes sir.
Q Now according to Dave Martin's account and according to your own account he took his family away from there about '74? A (No response.)
Q Were you acquainted with his family from '67 to '74, 6 or 8 years? A Yes sir.
Q What were you doing in Ottowa during that time? A I was living there and my occupation was quarrying and hauling stone.
Q Did you belong to the same church as Dave Martin? A I did.
Q You say he was a prominent man in the church there? A Yes sir.
Q Was he living there with his family all the time for that si or seven years? A Yes sir.
Q Did you meet him regularly at church during that time? A Yes sir.
Q You don't remember his being away from there for any considerable length of time during that time? A He was away in and out.
Q Did he seem to be a man that was making that his home with his family? A That was his home, he told us though that he belonged in the Nation.
Q Was he living there pretty much of the time with his family? A Yes sir.
Q What business did he follow? A Anything he could get to do, well digging and anything he could make any money at, anything he could get to do like the rest of us poor fellows.
Q Did you ever miss him from church any great length of time? A Yes sir I have missed him considerable from church.
Q How much of the time? A I never kept track.
Q Did he impress you as a man that would stay away from his family for a long period of time? A Not a great long period of time.
(By Hastings)
Q Mr. Ewing, what the Commission wants to know is whether or not you saw Dave Martin at regular intervals and frequent intervals for the six or eight years that you say you saw him living there like any other man in that town? A Yes sir, saw him just like any other man there.
(By [illegible])
Q Do you know whether in Dave Martin's wife formed the church up there? A No I don't recollect anything about her joining the church.
Q Didn't your brother and Dave Martin's wife get religion at the same time up there in '70 [illegible] your brother? A Yes sir.
Q Don't you remember [illegible] getting religion about the same time? A [illegible] getting religion but I thought sister Martin [illegible] before that. I recollect the revival there very well.
Q What was it? A It was [illegible] long I am not positive as to the time, it was before we built out our church.
Q Do you know whether or not at this time Dave Martin was away from that

place and here in the Nation? A I think he was.
Q Can you tell us when that was? A The church was founded in 1887—I guess 1886, it has been so plagued long my mind is so forgetful.
Q Then you don't know? A I won't swear when it was.
(By the Commission)
Q Did you visit frequently at Dave Martin's house? A Yes sir.
Q Do you remember how many children he had in Kansas? A No sir. I don't remember.

HORACE B. PARAMORE, called and sworn as a witness by Commissioner C . R. Breckinridge, testified as follows: (On the part of the Cherokee Nation)

Q What is your name? A Horace B. Paramore.
Q How old are you? A 43.
Q Where do you live? A Ottowa, Kansas.
Q That is your post office it it? A Yes sir.
(By Hastings)
Q What is your occupation? A My business is physicial and surgeon, but I haven't been doing that for some little time.
Q How long have you lived in Ottowa? A Since the 28th day of March 1865.
Q You were quite small when you come there? A Yes sir, landed there on my si th birthday.
Q Do you know this colored applicant for citizenship, David artin? A Yes sir.
Q Where did you first know him? A At Ottowa.
Q Do you know his wife? A I used to know her, I don't know if I would if I saw her now or not.
Q He had a wife, did he? A Yes sir.
Q Where did you first know this colored man Dave Martin? A I think I got acquainted with him when he first came there, there were only a few people white or black at that time.
Q When was that? A Fall of '66.
Q How large a place was Ottowa at that time? A I dont think more than sixty or seventy-five perhaps one hundred people.
Q New town? A Yes sir.
Q You have continued to reside there ever since that time up to now? A Yes sir.
Q How long did you know Dave Martin and his family to reside there from when you first knew them on up? A They resided there several years, as to the exact number of years I can't say, I don't know exactly when they left there.
Q You know they resided there a number of years? A Yes sir.
Q Did you see Dave Martin frequently? A Yes sir.
Q What is your best judgment as to the length of time that you saw he and his family there? A Well I should say that they lived there at least 10 or 12 years and probably more, that is the best of my judgment, 10 or 12 years at the least calculation.
Q Did you see him there as you would any other resident of the town? A Yes sir.
Q Do you remember his wife's name, or did you know that? A I cant say for certain that I do.
Q Do you know of his having children? A Yes sir.
Q Did you see them there? A Yes sir.
Q Do you remember one of their names? A Well, I cant swear they I know.
Q You know such as you children thought? A Yes sir and I probably know them at the time.
(By Mr. Hastings)
Q What are your politics? A R. B.
Q Have business and you changed in new? A At present I am not doing

anything for the past eight years; I loan some money and look after my property.
Q Your business is that of a physician and surgeon? A Yes sir.
Q You say you were only six years old when you went to Ottowa? A Yes sir.
Q You don't know the time positively that Martin came to Ottowa? A The exact date?
Q You don't know the exact year? A I think it was early in the fall or late in the summer of '66.
Q Do you state that positively or not? A I do.
Q That it was in '66? A Yes sir.
Q How do you fix that date? A By conversations I have had with my folks at home , with old citizens there and with a conversation I had with Mr. Martin in Parsons on yesterday.
Q Do you fix it with with conversations you had with him or with others
A With all of them together, all agree in regard to the date.
Q You are not testifying then as to your independent recollection as to the time? A I recollect him as one of the first colored men in Ottowa.
Q Can you testify as of your own independent recollection that he came there in '66? A You have my answers which are the best that I can give you.
Q Can't you answer that yes or no? A I say yes.
Q Then you can recollect this without reference to anything that anybody told you , that it was '66 that he came there? A Yes sir
Q And remember that it was in the fall? A I said it was either late in the summer or early in the fall.
Q If you remember it yourself and can state it from your independent recollection, why do you state anything in regard to conversations had with other people? A In the first place I wanted to be sure and when these other folks agreed with me in regard to the time I said so. After I was subpoenaed down here I talked the matter over with the people who were there, as I wanted to be sure about it. In 1865 there were no colored people in Ottowa at all and in 1866 there was four families I think moved into Ottowa and Mr. Martin was one of these families.
Q Do you remember that in the year 1865 there were no colored people in Ottowa, or is that what you have been told? A I remember it because there were only two or three families of whites there then,and no colored people at all.
Q You went there yourself in '66? A Yes sir.
Q You were then six years old? A Yes sir.
Q Do you claim that you remembered the change of the year ,the ending of '65 and the beginning of '66, at that age, and that in the one year there were no [illegible] there and in the next year there were four families [illegible] there? A Yes sir, I remember their coming there because [illegible] there were no colored people.
Q Where did you [illegible] when you came to Kansas? A Ohio.
Q Might it not have been [illegible] instead of '67? A It might have been but I don't think it was.
(By Mastings)
Q You say you had a conversation with Martin which refreshed your memory? A Yes sir, he had a conversation with me; he met me in Parsons and asked me —no, I told him I was coming down here to testify for the Nation, and we got to discussing when he came there, and he said " In the [illegible] I came there in August of '66 " and then she said " Hold on it was [illegible] '66"
(By [illegible])
Q What did he [illegible] say in the conversation, if anything in regard to the [illegible] he stated there at that time? A Well he stated that he [illegible] knew what he commenced suit against them somewhere about [illegible] '70, I don't remember what time in '70, whether

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it was in '70, '72, '4 or '6, and that their records would show the dates. He said " the records will show the date I commenced that suit. I was afraid to bring my family from Kansas to the Nation" But as to what year in the '70's I don't know - I don't know if he stated exactly the year.

(By the Commission)

Q Do you know whether Dave Martin ever voted in Ottowa or not? A. As to that I can't say, I was too young to mix in politics then, if it was within the last fiften years I could tell you.

Q From the time he arrived with his family in Ottowa until he took them away some six years afterwards, did you know him and his family as steady and consistent residents of Ottowa? A Yes sir.

Q Was he living there as a man who came there form time to time or as any other regular resident? A As a man who lived there continuously.

Q Did you ever miss him for any length of time? A No sir.

(By Smith)

Q Did he have any children at that time? A I don't know whether he had any children in the first place, he had one or two born there.

Q The children he had born there when he left there were small children were they not? A Yes sir, small children.

(Smith Ewing re-called and examined by the Commission)

Q Do you know whether David Martin ever voted up in Ottowa? A No I don't know whether he did or not.

= = = = = = = = = = = =

This will be filed as supplemental testimony in the case of David Martin et al., C. F. D. #486, and also in C. f. D. #485, #497, #487, #488, #489, #490, #491, and #901.

* * * * * * *

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this the 3rd of October, 1901.

Commissioner.

F. D. 901

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the ~~within named applicant, hereby accept~~ service of the within notice on this the

.....day of ....., 190....

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .....day of..... A. D. 190....

.....

Subscribed and sworn to before me

this .....

.....

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.
OCT 14 1901

NOTICE!

IN THE MATTER OF the application of Thomas Archer for enrollment as Cherokee Freedmen:

Case No. F. D. 901

To Thomas Archer or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Oct. A. D., 1901.

L B Bell

W. W. Hastings

Jas Davenport

Attorneys for the Cherokee Nation.

File with Thomas Archer, C. F. D. 901

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 16th 1901.

In the matter of the application of Thomas Archer, C. F. D. 901.

Appearances:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the applicants;

CLEM V. ROGERS, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A Clem V. Rogers.
Q Where do you live? A Claremore.
Q What is your age? A 63.
Q How long have you lived in the Cherokee Nation? A All my life except during the war.
Q Do you know the applicant Thomas Archer? A Yes sir.
Q How long have you known him? A Since '80.
Q Where was he when you first saw him to know him? A Cooweescoowee district.
Q Where were you in '67? A Fort Gibson.
Q Did you have anything to do with the Roger's Salt Works on Grand river in '67? A No sir.
Q Did you go there yourself or with anyone else in '67 and take them away from Thomas Archer or any other person? A No sir, in '67 I was freighting.
Q Did you ever drive him or any one else away from them? A No sir.
(By Mr. Smith)
Q There are several gentlemen that are Cherokee citizens by your name are there not? A Yes sir.
Q It is a right prominant name in the history of the Cherokee Nation? A Yes sir.
Q If Thomas Archer testified that you took the salt works away from him he was mistaken about that? A Yes sir.
Q You dont know when he came back? A No sir.
Q Did you know him before the war? A I dont know that I did,
(By Davenport)
Q There was only one Clem Rogers in the Cherokee Nation in '67 that was a grown man? A I didn't know of any other at that time, there is several now.

= = = = = = = = = = =

This will be filed in Cherokee Freedman cases, D-901; D-1002; D-485; D-497; D-486; D-424; D-488; D-489; D-490; D-491; D-828; D-950; D-564; and D-568.

****

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Chas. von Weise

Subscribed and sworn to before me this the 17th of October 1901.

Commissioner.

File with Thomas Archer, C. F. D. 901.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 23rd, 190

Supplemental testimony in the matter of the application of David Martin C. F. D. 486.

Appearances:
James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicants.

H. C. HARFORD being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A H. C. Harford.
Q Where do you live? A Ottowa, Franklin County, Kansas.
Q How old are you? A 44.
Q How long have you lived in Ottowa Kansas? Since 1865.
Q Since you have been living in Ottowa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.
Q When did you become acquainted with him? A In the Summer of '67.
Q Have you seen the gentleman since you come down here? A Yes sir I met him on the street.
Q How long after you become acquainted with him did David Martin reside at Ottowa or near there, or about how long? A David Martin lived at Ottowa and left there about 21 years ago, 20 or 21 years ago, and from the time he came there he was there off and on allthe time, I missed him for a while and saw him for a while, he would be gone a good deal, where he was I of course don't know.
Q Did he have a family there? A Yes sir.
Q You say you met him this morning ? A Yes sir.
Q Did you recognize him as the David Martin that you knew up there? A Yes sir, I did.
Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.
(By Smith)
Q What time did you first know David Martin? A To the best of my knowledge it was in '67; I got acquainted with David Martin when I had been there a couple of years.
Q How old were you then? A I guess I was about 11 years old.
Q How old was David Martin then? A I dont know.
Q Was he a man? A Yes sir He was a man grown when he came there.
Q You are not sure as to the year you met him in? A I cant positively swear as to the year , I know he came there about a year and a half or two years after I came.
Q That is as long as you can remember after that length of time? A Yes sir.
Q You say he was there part of the time and the other part of the time you missed him? A Yes sir,probably I would see David Martin every couple of months or so.
Q You didn't see his family? A Yes sir.
QWhere? A In Ottowa there, I knew one of his daughters, the oldest one,

This will be filed in the original case and also in C. F. D. 485 and the sub-references thereto.

***

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of October, 1901.

Chas. von Weise

Tams Bixby
Commissioner.

F. D. 901

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

....day of..... ....., 190.....

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the..... ....day of..... ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.

FEB 11 1902

NOTICE!

IN THE MATTER OF the application of Thomas Archer for enrollment as Cherokee Freedmen:

Case No. F. D. 901

To Thomas Archer or Mellette & Smith atty

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on Feb 17-1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 4th of Feb-1902

L B Bell

W. W. Hastings

Jas. S. Davenport

Attorneys for the Cherokee Nation.

"R"

C F D 901

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Thomas Archer, for the enrollment of himself and wife as Cherokee Freedmen:

Appearances:
Mellette & Smith, Vinita, I. T., for applicants;
James S. Davenport, attorney for Cherokee Nation.

TESTIMONY IN BEHALF OF CHEROKEE NATION.

HAYWOOD ROWE, being sworn and examined, testified as follows:

Examined by James S. Davenport:

Q What is your name ? A Haywood Rowe.
Q Where do you live ? A In the Cherokee Nation, Coweescoowee District.
Q What is your post office ? A Gallala.
Q How long have you lived in the Cherokee Nation ?
A I was raised here.
Q How long have you lived in Coweescoowee District ?
A About 25 years.
Q Do you know a colored man by the name of Thomas Archer ?
A Yes sir.
Q How long have you known him ? A I have known him for 20 years, I guess.
Q Where were you living when you first got acquainted with him ?
A At Clem Rogers.
Q In what district ? A Coweescoowee District.
Q Where was Thomas Archer living at that time ? A Coffeyville.
Q About how long has that been ? A Over 20 years.
Q When you say Coffeyville, what do you mean ?
A Coffeyville, Kansas.
Q About how long did he live there after you got acquainted with him ? A I don't know just how long.
Q Did he have a family at that time ? A Yes sir.
Q Do you know whether he had any children ?
A Yes sir, think he had one or two.
Q He had a wife ? A Yes sir.
Q Do you know whether or not that wife is living ? A She's dead.
Q Where were they living ? A Coffeyville.
Q Coffeyville, Kansas, you mean ? A Yes sir.
Q About how long did he live in Coffeyville, Kansas, after you got acquainted with him; did he remove to the Cherokee Nation ?
A I don't remember; he lived there quite a while.
Q He lives now somewhere in the Cherokee Nation ?
Q Has he married the second time ? A Yes sir.
A Yes sir. I think he married old Mrs. Little's daughter.
Q What is Little's first name ? A I know the name, but am not well acquainted.
Q Was it Grandison Little ? A Yes sir.
Q The one that lived near Lenapah ? A Yes sir.
Q You never knew Tom Archer until after he removed from the Coweescoowee District ? A Yes sir.
Q When you first knew him he was living in Coffeyville, Kansas ?
A Yes sir.
Q Was he keeping house there ? A Yes sir.
Q He lived there until after his wife died ? A Yes sir.
Q Do you remember her name ? A Think her name was Dilsey.
Q Where was she buried ? A At Coffeyville, Kansas.

Examined by Mr. Smith:

Q How old are you Rowe ? A Close to 43 years old.
Q How long have you lived in the Cherokee Nation ?
A Was born and raised in the Cherokee Nation.
Q You don't remember the commencement of the war ? A No sir.
Q You don't have any recollection, or you don't know whether this applicant Thomas Archer was a soldier in the service of the United States during the war ? A Don't know anything about it.
Q You don't know where he was in 1873 ? A No sir.
Q You don't know when or where he was mustered out of the service ?
A No sir.
Q Have no recollection of the man following the year of the war; 1866 ? A No sir.
Q You don't know where Thomas Archer was until you got acquainted with him about 20 years ago ? A No sir.
Q How far is Coffeyville, Kansas, from the Indian Territory line ?
A They call it two miles. Right along there.
Q A good many of the people who live in Coffeyville have farms in the Indian Territory do they not ?
A Yes sir.
Q You say you think Archer had some children; how old were they when they were living in Coffeyville ?
A I don't know how old they were; they were small children.
Q Do you know how many he had ? A It seems to me there were 2.
Q Don't you know he had a farm and worked in the Cherokee Nation during the time he lived in Coffeyville ? A No sir.
Q You don't know that he didn't have ? A No sir, don't know that he didn't have.
Q Is that all you know about this matter ? A Yes sir that's all I know about it.

(The rolls of 1880 and of 1896 examined and names of applicants do not appear thereon).

The Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D 1002; D 485; and the present case.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he accurately recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 20 day of February, 1902.

Commissioner.

W. D-901.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

IN the matter of the application of Thomas Archer for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-901.

Applicant represented by Mellette & Smith.
Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would, on the 23rd day of May, 1902, introduce testimony tending to disprove the right of the said Thomas Archer to enrollment as a Cherokee Freedman. Neither the applicant nor his attorneys appear.

L. B. BELL, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A L. B. Bell.
Q What is your postoffice? A Vinita.
Q Cherokee by blood? A Cherokee by blood; 65 or '4 years old, 64 I reckon; I have lost my book.
Q When did you return to the Cherokee Nation after the war? A In May, 1865.
Q This applicant, Tom Archer, claims that Mr. Bryant and Mr. Clem Rogers, a very short time after his return, took the salt works over there away from Major McCullough; I would like for you to state whether or not you worked in there at the salt works after your return? A Well I began down there in February, '66, and worked for Lieutenant McCullough that ran the salt works during part of the month of February. I worked there and got a load of salt.
Q Did he have them in his possession at that time? A Yes, sir, he was running them there, Bryant I don't think had taken possession of it yet; my recollection is that he wasn't at the lick until after that time. He wasn't there at that time, February, '66.
Q You worked there during the month of February, '66? A Yes, sir.
Q Tom Archer there? A Well I don't know; I don't recollect anybody there but Sheep Jim, I knew Sheep Jim when I was there, a boy, and I recollect him very well.
Q That's when he told you about being in the battle of Vicksburg?
A Yes, sir.
Q Anything else you want to say with reference to this matter; you are one of the attorneys for the Cherokee Nation. A I don't know. I worked there for fifteen or twenty days, and I got my pay and left; I don't know anything more about the salt works; but Bryant was it afterwards. It was called the salt works, or generally called Major Allen's salt works. Will Allen had something to do with it; had it before the war.

Arthur L. Grubbins, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he [illegible] the foregoing and [illegible] testimony taken in the matter of the application of Thomas Archer for enrollment as a Cherokee Freedman, and that the foregoing is a true and correct transcript of said testimony taken and reduced to typewriting by him.

Arthur L. Grubbins
Stenographer.

Subscribed and sworn to before me this 23rd day of May, 1902.

Bell

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1903.

In the matter of the application of Thomas Archey for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-661.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a copy of a marriage license issued to Thomas Archey, colored, of Ottawa, Kansas, aged twenty-one years, to marry Miss Annie West, of Ottawa, Kansas, aged nineteen years, by J. Hamilton, Probate Judge Franklin County, State of Kansas, and a certificate showing that they were united in marriage in accordance with the license on the 15th day of April, 1879, at Ottawa, Franklin County, Kansas.

MR. SMITH: The applicant objects to the introduction of the above matter for the reason that there is no testimony showing that the persons mentioned in said alleged license are identical with the applicants and because it appears from the offer that the same is not an original record, and because the same is not offered under the acts of Congress made and provided with reference to offering a record from one State in the jurisdiction of another state or territory or the Indian Territory.

MR. HASTINGS: The Cherokee Nation offers this in evidence for the reason that it is an evidence in the case of Thomas Archey that he went to Kansas; that he married a wife there before he returned to the Cherokee Nation, and she was state-raised; that this corresponds with both the age of himself and his wife, and it corresponds with his name and the name of his wife, and because he testifies that he married in the State of Kansas before he returned to the Cherokee Nation after the war, and that this shows conclusively that he didnot return until after 1866.

MR. SMITH: Applicant objects to the counsel's argument.

COMMISSION: The document will be filed and considered for what it may be worth.

Arthur S. Greminger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur S. Greminger

Subscribed and sworn to before me this 5th day of July, 1903.

Seal

Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D.498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Thomas Archer, D 901;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Thomas Archer.

901

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

Spine:
[illegible] to
[illegible] Archives FD901
in Ottawa. Line up at
that point.

Cher Fr D 902

Cher Fr D 902

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 27th 1902.

Mellette & Smith for applicants

W. W. Hastings for the Cherokee Nation;

In the matter of the application of Phyllis Hayes for enrollment as a Cherokee freedman; she being sworn by Commissioner T. B. Needles, testified as follows-

Q What is your name? A. Phyllis Hayes.
Q What is your post office? A. Gaffeyville
Q What is your age? A. 56.
Q What district do you live in? A. Coweescoowee.
Q Who do you want to have enrolled besides yourself? A. None.
Q Are you married? A. No sir.
Q Were you ever married? A. Yes sir, I lived with a man.
Q What was his name? A. Greg Lynch.
Q What is your fathers name? A. Peter Rogers.
Q What was your mothers name? A. Sophia.
Q Are you married to a man named Hayes? A. I married a man named John Baldridge and went by the name of Hayes when I married him.

Applicant not found on the 1883 or 1886 rolls.

Keam Clifton roll examined and applicant found as follows-
Page 173 No. 4242 Phillis Hayes, Coweescoowee district.

By Smith-

Q Were you a slave? A. Yes sir.
Q Who did you belong to? A. Louis Rogers, and after his death to his widow Ellen.
Q Who did you belong to at the time of the war? A. Ellen Rogers.
Q Was she a Cherokee Indian? A. Half Negro, her husband was a Cherokee.
Q Was he a recognized Cherokee citizen? A. Yes sir.
Q Where did he live? A. On Spadner in the Cherokee Nation.
Q Were you there when the war commenced? A. Yes sir.
Q Where did you go during the war? A. To the mountains.
Q Where was that? A. To the hills above the house somewhere.
Q Did you remain in the Cherokee Nation during the war? A. They took me to Neutral land on the Neosho
Q Was the Neosho a town or a river? A. Town.
Q When did you first come back after the war? A. When they moved the refugees back.
Q Where did you come to then? A Fort Gibson.
Q Cherokee Nation? A. Yes sir.
Q How long did you stay there? A A good while.
Q Well how long? A. May have been 3 years.
Q Where did you go then? A. On Spadner.
Q In the Cherokee Nation? A. Yes sir.
Q How long did you stay there? A Quite a while.
Q Where have you been since that time? A. In the Cherokee Nation.
Q Where do you live now? A. Tucker Hill
Q How long have you lived there? A. 2 or 3 years.
Q Is that in the Cherokee Nation? A. Yes sir
Q [illegible] Lynch.
Q [illegible]

see next page

Have you any grown children? A. Yes sir.
Q What are their names? A Sam Hughes.
Q The girls? A. Lewis Brady, Frank Brady, Bettie Lynch.
Q Is Bettie married? A. Yes sir, to Gal Nash.
Q Have you been married more than once? A. Yes sir three times.
Q Who was your first husband? A. Greg Lynch.
Q When were you married to him? A. Never married him, just lived with him.
Q Before the war? A. Yes sir in slavery times.
Q Who was the next one you lived with? A. I lived with my boss negro.

By the Commission:

Q You were not married to him were you? A. No sir.

By Smith-

Q Who were you married to next? A. Mr. Brady.
Q You married him? A. Yes sir.
Q When? A. Time of the war.
Q How long did you live with him? A 5 or 6 years as man and wife.
Q He was the father of Frank and Lewis? A. Yes sir.
Q Who was the father of the girl you named? A Greg Lynch.
Q Who was the father of the other boy? A. My boss.
Q Where are these children living? A. With me on Timber hill
Q In the Cherokee Nation? A. Yes sir.

By Hastings-

Q Where are these boys now? A. With me.
Q Was Lewis born before the war? A. After the war.
Q Where was he born? A. On Brushy Mountain this side on Fort Gibson
Q How far from Chouteau? A. I dont know.
Q How old is Lewis? A. I dont know.
Q Where was Frank born? A. On Brushy.
Q Who were you living with then? A. Brady.
Q Where did you go from Neosho after the war? A. Fort Gibson.
Q Who did you live with there? A. Mary Ender.
Q In town? A Yes sir.
Q Did she have a family then? A. No sir, just one son.
Q What was his name? A. Jim.
Q Did she have no husband with her? A. No sir.
Q How long did you stay there? A. I dont remember.
Q A year? A. May be, might have been 2, 3 or 4. I dont know.
Q Where did you first see Charles Gardner? A I saw him several times there at Fort Gibson.
Q Did you see him before the war? A. I think it was during the war. He was at home at Neosho or close at Fort Gibson. We of course two places.
Q Where did you first see Theodocous Bainbridge? A. I think it was during the war. He was a soldier there.
Q How long after the war was it that you saw them? A. I dont know.
Q Were they from Tahlequah? A. Yes sir.
Q Did you know their father or where you took them for Mountain? A. I [illegible]
Q Where did you go from Neosho? A. To Fort Gibson.
Q Did you go South from Brushy to Tahlequah? A. I [illegible] we was managing [illegible] a long time.
Q Did you go to Fort Smith, Arkansas? A. I [illegible] go there with [illegible] way.
Q How long stay? A. Some time awhile, I don't know how long.

Q What did you do there? A. I worked.
Q The part A. Yes Mr. Hammond in the hotel.
Q Your daughter Bettie was with you? A. Yes sir, two of them, you all
[illegible]
Q [illegible] there doesn't it, no she she lives with me.
Q Is she living there now? A. Yes sir she is living with me, she stays with me.
Q How long has she stayed with you? A. On and on.
Q I mean continuously the last time? A. Has been with me 2 or 3 years off and on.
Q She came from Fort Scott down there? A. Yes sir she has been with me off and on since she married [illegible].
Q Five years ago when the Rock Chicken court was sitting, Bettie was in Fort Scott wasn't she? A. No sir.
Q Her husband was there? A. Yes sir.
Q Her 2 children were there? A. Yes sir they has been with me.

+ + + + + + + + + + +

Continued by stenographer M. B. Green. ********

* * * * * * *

Then, van Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 11th of July, 1901.

Commissioner.

CONTINUED, former portion taken by stenographer, Chas. Von Weise.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 27,1901.

In the matter of the application of PHILLIS HAYES for enrollment of herself as a Cherokee Freedman;
JOHN C. BALDRIDGE, being sworn by Commissioner Needles, testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

BY MR. SMITH:
Q State your name? A John C. Baldridge.
Q How old are you? A 71 years old.
Q Where do you live? A I live in Coowescoowee District, on Verdigris.
Q BY MR. HASTINGS:
Q Mr. Baldridge, have you ever been convicted of larceny in the United States Court? A I have been convicted in your own court too.
Q Have you been convicted in the United States Court? A You have got it there, yes.
Mr.HASTINGS: I examined him to test his competency to testify as a witness. I object to his testifying.
MR. SMITH: The applicant objects upon this examination to any other proof than the record of the conviction. Now, if the Court please, there are two rules upon that; if he is examined, and he can be asked these questions as effecting his inability, but when it comes to the question of competency then you have got to have the record of conviction.
COM'R NEEDLES: I don't know that this examination is to be conducted according to the strict rules of evidence; the object of this Commission is to get the facts in these cases, and when the case is examined for final hearing, the testimony can be entirely stricken out if it is not received at that time; let the motion go in that he not be permitted to testify on account of my knowledge of his having been convicted of larceny, and then on the final hearing in this case, if it is decided by the Commission to adhere to strict rules of evidence that will be discussed at that time, and his testimony if decided upon at that time as being illegal will be stricken out.
MR. SMITH: Applicant objects to the introduction of anything except a record of the conviction upon an examination touching the competency of the witness.
BY MR. HASTINGS, examining witness:
Q Where were you convicted, in what court, and when?
MR. SMITH: I object to that, because the records will show it.
MR. HASTINGS: We have got to find out; this is not intended to incriminate him.
COM'R NEEDLES: No, it is not intended to incriminate him.
MR. SMITH: I object to that.
BY MR. HASTINGS, examining witness:
Q Where were you convicted? A Ft. Smith.
Q About when? A I couldn't tell just exactly.
Q As much as 10 years ago? A I expect about that.
Q Under what name? A John Baldridge. And on Dog Creek, in the Cherokee Court; they wouldn't allow me no witness.
BY MR. SMITH:
Q Do you know this applicant, Phillis Hayes? A Yes sir.
Q How long have you known her? A I have been knowing her for years I believe I got acquainted withher in the year 1888.
Q Where did you knowher first? A She came to the army where we was

camped at Ray's Mill.
Q You didn't know her before the war? A No sir.
Q You don't know who she belonged to? A Well it was said she belonged to Rogers family, but I didn't know.
Q You don't know of your personal knowledge? A No sir.
Q When did you see her next after you saw her there in '63 when she came to the army? A After the refugees got so heavy where I was camped, we moved the refugees to Neosho; it was called Neutral Land at that time, and we moved them out at the Neutral Land for safe keeping.
Q Where was you or where was the army when she came to the army? A Well she was right there after they moved them, she was right there at Neutral Land yet.
Q Where did she come to you? A We soldiers went to the refugees at Neosho to bring them down to Ft. Gibson.
Q Well did she go with you, with the soldiers? A First time she come to us at Ray's Mill; that was in '63, we camped there, and we taken them from Ray's Mill down to the Neutral Land, and kept there until '65 and in '65 we moved the refugees to Ft. Gibson, and she was along.
Q How long did she stay about Ft. Gibson? A I don't remember how long she did stay.
Q That was in what year? A That was in the year of 1866.
Q Was it '66 when you moved the refugees? A '66 we moved the refugees, you see we was to stay in the year '65 in '66 and then the whole refugees was in Ft. Gibson, the Cherokees, the colored all together.
Q You know where this woman, Phillis Hayes, was in '66? A She was in Ft. Gibson.
Q You know how long she stayed about Ft. Gibson? A No sir, I don't.
Q When did you next see her after 1866? A Well it was years, I couldn't tell you exactly how long, but then it was a good while.
Q Where was she living when you saw her next? A She came down from Kansas down and I was with her and I took her and married her and ~~took her~~ I took her home with me then and lived with her.
Q When was that? A I disremember what year that was.
Q Did you and she live together? A Yes sir. We lived together for years.
Q How long? A 6 or 7 years.
Q Where did you live? A Gooseneck Bend.
Q How far from Nowata? A About three miles I guess, 4 miles; she left ~~me~~ in the year, I don't know what year, remember it though, the people took small-pox on Grand river, that's the year she left.
Q You know where she has been living since that? A She went up in Kansas but the boys stayed there at her place there.
Q What place? A On the place where they is now, on my place.
Q Where is that place? A Up on Gooseneck Bend, they lived ~~on~~ now at Timbered Hill, a little ways from me now.

BY MR. HASTINGS:

Q You testified in this case before the Kern-Clifton Court? A Yes sir.
Q Did you say anything about knowing her during the war then? A Yes sir, I knowed her time of the war.
Q Did you tell it before the Kern Clifton court that you knew her during the war? A Yes sir.
Q Did you tell anything about seeing her on the Neutral Land then? A Yes sir, I said I stood guard over there right there at Neosho.
Q You told that right before the court? A Yes sir.
Q You first saw her at Ray's Mill did you? A Yes sir, that's where she came.
Q Where did you join the army? A At Leavenworth.

Q In what year? A '61, and come on down then--
Q Who did you go up to Leavenworth with? A A good many of them.
Q Who? A I couldn't tell exactly.
Q Well anybody? A Captain Darby.
Q Where did you meet up with him? A I went to Kansas City to him; now let me show you: when these Injuns got stirred up in the year '66 I took my young master and went to the army; we dodged around until we got to Leavenworth; that was in '61.
Q Your young master? A Yes sir.
Q What was his name? A George Ross.
Q You and George Ross joined the army together, ran off? A Yessir. I took him with me, and met a young Downing that was there in camp at Lawrence, Kansas, and then we was at Kansas City, Kansas, and we come on down to Ray's Mill; I belonged to the 6th Regiment, and the Indians was camped there.
Q You saw this woman after the war did you? A Yes sir, I saw her in the year '66.
Q She went down with the refugees? A She went with the refugees from Neosho to Ft. Gibson.
Q That the town of Neosho? A No sir, it wasn't no town, it was just a camp.
Q On which side of the river was it? A On yonder side.
Q That would be the east side of the river? A Yes sir, next to Ft. Scott. We got our rations from Ft. Scott.
Q How far from Ft. Scott was it? A I couldn't tell you exactly.
Q You remember her particularly? A I knowed her particular, because she was in Kansas sick and I was ministering to her, I made medicine for her.
Q You was practicing medicine then? A Yes sir, all through the army.
Q Was her mother along with her at that time? A I don't know her mother.
Q Was her father along with her? A I don't know her mother.
Q About what aged girl was she at that time? A I couldn't tell, she was the mother of two children.
Q About how old were they? A Sam Rogers was a little baby; had a little girl.
Q Were these children along when you first saw her over at the Kansas line? A She had Sam and Bettie.
Q Were they with her when you saw her at Ray's Mill? A Yes sir, when she come to us she had one little baby, little girl.
Q What time did she live at Ft. Gibson? A I couldn't tell you.
Q Didn't she stay in nobody's house there? A I couldn't tell you.
Q How long did you live around Ft. Gibson at that time? A I moved away from Ft. Gibson, I stayed there, 80 years ago now.
Q You lived there a number of years after the war? A Yes sir, I was a soldier and stayed right there.
Q You don't know who she lived with? A No.
Q Don't know whose house she lived in? A No sir, we never had no houses, just sheds and tents made out of cow hides.
Q When did you next see her after that? A I couldn't tell you.
Q About how many years? A I couldn't tell you that to be sure.
Q When you commenced living with her she had come down from Ft. Scott? A Come from Kansas, but I don't know what parter Kansas.
Q She being anybody with her from up there? A She brought boys along.
Q How many? A She had three boys when she come down here, and I married her, and then she had three more others, two more boys and one girl.
Q Where was her daughter Bettie at that time? A I don't know exactly where she was at that time.

Q Was she living with her? A I don't know.
Q Wasn't you living with her? A She wasn't living with her when I first married her.
Q Did she ever live with her while you lived with her? A Yes sir, every one of them lived with her.
Q Didnt you swear before the Kerns-Clifton Commission with reference to Sattie Cash, didn't you say, she has never lived here , but always lived in ft. Scott? A You asked me the question, where is she now, and I told you in the clifton court, she was in ft. Scott; you never asked me about living with me; you ask me now if she is living with me, but at the time you asked me I told you just how it was.
Q She lived with you how long, this woman? A I couldn't tell you exactly.
Q Can't you give us any idea how long that was? A I told you awhile ago she left me the year all the people had smalb-pox down on Grand river.
Q That's the year she left? A Yes sir.
Q Where did she go? A She went up in Kansas I guess.
Q You continued to live up there on Big Creek? A Not Big Creek, I lived in Goosenock.
Q Well you lived there? A Yes, all the time.
Q How long since you saw this woman after that? A I seen her off and on sos time be going two or three months.
Q How long was it until you saw her then after she left? A I couldn't tell exactly how long.
Q Where did you see her the next time keeping house? A Next time I saw her keeping house at T imbered hill.
Q Where is that? A That's about 7 miles of where I live now.
Q I don't know where that is? A I told you I live at Goosenock Bend.
Q What town is the nearest to you? A Coffeyville.
Q How long has she been living there? A I don't know.
Q You don't know how long she located there? A No.
Q She been there a year? A Oh yes.
Q Two years? A Over 2 years I guess, I don't know.
Q Is that your best judgment? A Yes, that is my best judgment, I don,t know.

CHARLEY CHAMBERS, being sworn by Com'r Needles, testified as follows:

BY MR. SMITH:
Q State your name? A Charley Chambers.
Q How old are you? A 70 years old.
Q Where do you live? A On Big Creek.
Q How long have you lived in the Cherokee nation? A I have lived in the cherokee nation all my life.
Q Do you know this applicant, Phillis Hayes? A Yes sir.
Q How long have you known her? A I knowed her before the war.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Lewis Rogers.
Q Was he a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee nation? A Yes sir.
Q Where was he living and where was she living time the war commenced? A On the other side of Grand river.
Q In the Cherokee Nation? A Yes sir.
Q Did you see her during the war at any time? A That was after the war.
Q When did you first see her after the war? A I seen her after I come up from ft. Smith, I seen he there at ft. Gibson, living right

Phillis Hayes et al 5 cont'd

on the river.
Q When did you see her at ft. Gibson? A That was along in '65, I seen her.
Q Did you go out of the Cherokee nation yourself? A Yes sir.
Q When did you come back? A I come back in '65.
Q You know what time in '65? You come back? A I come back along in the spring.
Q How long after you came back was it until you saw this woman? A I come somewhere along up in the summer; corn was tasselling when I come from ft. Smith, that was along in '65.
Q Well what was it doing when you go up to ft. Gibson, still tasselling? A Yes sir, still tasselling.
Q When did you see her, how long had you been at ft. Gibson when you saw this woman? A Oh I had been up there I guess a couple of weeks.
Q How long did you stay at ft. Gibson at that time then? A I didn't stay there but a little while; I knocked around there a day or two, first one place and another.
Q When did you next see ~~her~~ Phillis after you saw her there that time? A I saw her on Big Creek, not Big Creek, but on this side of the verdigris river.
Q About how long after you saw her at ft. Gibson? A That was about a year afterwards I guess, as well as I can remember, it was about a year afterwards, or two years.
BY MR. HASTINGS;
Q Who was her master before the war? A Lewis Rogers.
Q You was up there before the war? A I passed along through by there, yes sir.
Q Where were you going? A I don't know where my old master was going, I was along with him,
Q What kind of a house did her master live in? A I couldn't say now.
Q Where was it at? A On the other side of Grand river I know.
Q Was that in Tahlequah district? A I don't know whether it was Tahlequah District or Flint District, I don't know what they called it then.
Q Where did you live? A I lived at Park Hill.
Q How far was it from the town of Tahlequah that she lived, where she and her owners lived from Tahlequah? A I don't know sir, how far it was.
Q Was it as much as ten miles? A Oh it was I guess about 15 or 20 miles, I don't know, I guess so, I don't know exactly how far it was
Q You don't know what sort of place it was they were living? A No sir, we just passed along there, the old man stopped there a little while, and I would always go along with him to take care of the horses.
Q You recognize her as being there? A Yes sir.
Q And you saw this woman there at that time? A Yes sir, if it wasn't her it was her sister.
Q And that's all the acquaintance now you had with her before the war? A Yes sir.
Q How long did you stay there at Rogers? A Didn't stay there but a little while.
Q How long, just to rest? A I reckon that's what he stopped for.
Q What sort of looking man was Rogers? A There were two or three men there, and I didn't know which one was Rogers; there were two or three men there.
Q Any creeks, rivers or branches near their house? A I don't just recollect now.
Q You didn't see her mother there at that time? A No, If I did I don't know it.
Q Well, Charley, about how old was she, your best judgment, at

Phillis Hayes cont'd 6

that time? A Well I couldn't tell you just about how old she was, seems to me like she was pretty near grown.
Q Was she a young woman? A Looked to me like she might have been.
Q Did you talk with her at that time? A No sir.
Q Never had any talk with her? A Hadn't talked with her at all, just saw her.
Q Just happened to see her in the house? A Yes sir, she was in the house and I was out at the outside fence with the horses.
Q You just saw her in the house? A I saw her walking about in the yard.
Q That's all your knowledge of her before the war? A Yes sir.
Q Where did you see her next? A She was at Ft. [redacted]Gibson.
Q Who was she living with then? A She was living by herself then, I guess her children was there, I don't know who it was, she was living right there on the river.
Q On what river? A Grand river.
Q How far from the old garrison? A It was I reckon a quarter of a mile.
Q Above or below? A Below.
Q Near the old Bushyhead house? A Yes sir, right in there.
Q Did she have a husband then? A If she did I didn't know it.
Q Was you at her house? A No sir, she told me where she lived, and I saw her going up there from the city.
Q You recognized her as having seen her before the war? A I thought I did, and I talked with her, and she told me where she lived.
Q That was after the war? A Yes sir. That was in the summer of '65
Q She was living up there? A Yes sir.
Q Then you saw her after the war, later? A It was a year or two, yes.
Q And she was living on the same place then? A No sir.
Q Where was she living? A She was living up on the Verdigris.
Q A year or possibly two years later? A Yes sir.
Q You put it then in '66 or '7 you saw her up here? A Yes sir, I think as well as I can come at it, it was about '67.
Q Who was she living with then? A When I saw her then she was living with this man Hayes.
Q That was in '67? A Yes sir.
Q That was in Gooseneck? A No sir, it was up about Goose Lake, up about where there used to be an old mill set right in the bend of the river.
Q You was at their house? A Yes sir, I went to their house over there, that's where I used to haul lumber from.
Q You hauled lumber from that mill up there? A Yes sir.
Q In '67, about what time in '67 was it? A It wasn't in '67 I hauled lumber from there, it was about a year or two after that.
Q Who was running that mill? A I don't know who the mill did belong to.
Q But you was at their house in '67 up here about Gooseneck on Verdigris? A Yes sir.
Q She was living with John [redacted] at that time? A Yes sir.
Q How long after that until you saw her again? A I saw her often and on after that every three or four weeks, sometimes it would be a month or two, I would see her often and on.
Q Where was she living? A They lived right there.
Q How long did she live there at that place? A I don't know how long they did stay there.
Q Does she live there yet? A No sir, she don't live there now.
Q Did you ever know her in Ft. Scott, Kansas? A No sir.
Q You never? A No sir, I never did.
Q You know she lived on Verdigris all the time? A She lived there all the time when she wasn't working in Coffeyville.

Phillis Hayes cont'd ?

Q You knew she was living in Coffeyville awhile?A Yes sir.
Q Where did you live?A I lived right on the river, on the other side.
Q Were you ever tried for perjury in the United States Court at Ft. Smith? A No sir.

Com'r Needles: Phillis Hayes applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; she swore that she was a slave, and belonged to one Lewis Rogers, a Cherokee; she has been married once or twice, and is now married to one Hayes; and avers that she has resided in the Cherokee Nation continuously since the year 1866; she returned here in that time; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration of the Commission. She will be notified at her post-office address of the disposition of her case.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 10,1901.

Commissioner.

No. D 902

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

18 day of Sept, 1901.

Mullins & Smith

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of A.D.1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D.1901.

.....

Notary Public.

Filed
SEP 13 1901

M. A. 1901 o'clock P. M.

NOTICE!

IN THE MATTER OF the application of Phillis Hayes for enrollment as a Cherokee citizen:

Case No. D 902

To Phillis Hayes or Mellette & smith ~~Sam~~ Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 7th at 8 o'clock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 18th 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

D-1008 and D-832.

This will also be used in [illegible] of October, 1901.

[illegible] Cherokee Freedman [illegible]

= = = = = = =

Q You I guess guilty of it didn't you? A Yes sir.
Q Convicted of peddling whiskey? A I was convicted but I wasn't guilty.
Q Anything else? A Fighting.
Q Where to? A Leavenworth.
Q For how long? A Three years.
Q What did they do with you? A Sent me to the pen.
Q When? A '84.
Q Have you ever been convicted of any offence? A Shooting a man
Q Day's work? A Yes sir.
Q What was she doing there? A Washing.
Q It was somewhere around '80 or 81 that you first knew her? A Yes sir
Q Didn't know her up there '80? A I might have known her before that.
Q When did you first know her at Fort Gibson? A In '80.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 16 1901
[signature]
ACTING CHAIRMAN

File with Phillis Hayes C. F. D. 903.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8, 1901.

SUPPLEMENTAL TESTIMONY in the case of Phillis Hayes, C. F. D. 903.

Appearances:
W. W. Hastings for the Cherokee Nation
Mellett & Smith for the applicants.

-Witnesses placed under the rule-

J. E. THORP being first duly sworn by Comr T. B. Needles, testified as follows on the part of the ~~applicant~~ Cherokee Nation.

(By Hastings)

Q What is your name? A J. E. Thorp.
Q What is your post office address? A Iola, Kansas.
Q How long has that been your post office address? A Ever since it was a post office.
Q When was that? A In '89.
Q How large a place was Iola at the close of the war? A Two, three or four hundred.
Q How large a place is it now? A 5000, about.
Q Do you know a colored woman that went by the name of Phillis Hayes?
A Yes, sir.
Q Where did you know her? A At Hubbard's Mill adjacent to Iola.
Q When did you first know her? A October or November of '67.
Q Did she have any children that you knew of then? A I think she had.
Q Did you know them after that? A I never knew but one and I think that was after that.
Q Where was Phillis Hayes when you first knew her? A Half a mile from Iola at Hubbard's Mill.
Q You dont know when she first came there? A No sir.
Q How long after that did you know her? A 3 or 4 years.
Q Did she ever do any work for you? A I dont remember if she did or not.
Q Do you know where she went to from Iola? A She went to Humboldt, I heard.
Q How far is Humboldt from Iola? A Eight miles.

(By Smith)

Q The woman you are talking about, you first became acquainted with in '67? A Yes sir.
Q It might have been in '68? A I dont think it was.
Q Are you absolutely positive as to the date? A No sir, in October or November though.
Q Are you positive as to the year? A I think I may say so.
Q Do you say so? A Yes sir I will.
Q You knew a colored woman named Phillis Hayes about Iola Kansas in '67 in the fall, now do you know if it is the same woman who is an applicant here for citizenship? A No sir.
Q Do you know how old she was? A She is quite aged.
Q An old woman then? A No sir, now.
Q Have you ever seen her since then? A Yes sir, once or twice.
Q When? A 10 or 12 years ago.
Q When did she leave there? A I won't say as to that.
Q Was it several years ago? A In '75 or '6.
Q During that time what was she doing? A Washing.
Q Which? A Yes sir.
Q You don't know if she was there continuously or only a part of the time? A Continuously at that time I think.
Q You don't state positively that she was there all the time? A No sir.

(By Hastings)

Q Do your know Bettie Cash? A Not with quite certainty.
Q Is there any relationship between Bettie Cash and Phillis Hayes? A

A I don't know, report says there is; she lived at Fort Scott and came back to Iola--I presume that it is her child.

(By Mr. Smith) " I object to the presumption of the witness."
(By Hastings)

Q Have you been informed that Phillis Hayes is the mother of Bettie Cash? A Yes sir.

(By Smith)

Q Who informed you that? A I heard it talked by several.
Q By whom? A I cant name any individual.
Q By disinterested persons who were not connected with the family? A Yes sir.

By Smith: " I object to the above testimony and move to strik it out wherein it refers to the relationship between Bettie Cash and Phillis for the reason that it is not within the rule to allow him to testify that he heard any statement from any person not connected with the family, as to that relationship.

REECE GRAVES, being first duly sworn by Com'r T. B. Needles testifies as follows on the part of the Cherokee Nation.

(By Hastings)

Q What is your name? A Reece Graves.
Q What is your age? A Between 41 and 2
Q What is your post office address? A Vinita.
Q How long has Vinita been your post office? A Between 5 and 6 years.
Q Did you ever live in Iola, Kansas? A Yes sir.
Q Ever live in Humbolt, Kansas? A Not exactly.
Q How far is Humbolt from Iola? A 8 miles.
Q Did you ever know a colored woman named Phillis Hayes? A Yes sir
Q Where? A Iola and Humbolt Kansas.
Q When did you know her in Iola? A '80 and '81, maybe further back than that.
Q Was she living there? A Yes sir.
Q Did she have any children? A Yes sir.
Q Name them? A One Lewis Brady, Sam Rogers, Little Dadie, he is dead.
Q Where did he die? A Humbolt.
Q You knew them first in Iola? A Yes sir.
Q Where did they go, to from Iola? A Humbolt.
Q How long did they live at Humbolt? A I knew her living in Humbolt--I cant tell exactly what year she went there; she married a man named Hayes after that; it was the year she married.
Q When did she leave up there? A She left up there- I dont know exactly the time, she left there right away after she married sometime in '81 or '2 and came here to the Nation.
Q How long did she stay here? A Only about six months.
Q Where did you next see her? A Humbolt.
Q Living there? A Yes sir came back there.
Q How long did she continue to live there that time? A When I left Iola Kansas and goes to Wichita she was living there in Humbolt.
Q When was that? A When the Missouri Pacific was built from Fort Scott to Wichita.
Q About how long ago was that? A Often 80 and 81 that was when I left there, she was then living in Humbolt at that time.
Q You stated she married and came here six months and then came back have you been her since that? A No sir, but I have seen her in Kansas but not at either of these places.
Q Do you know where she is living now? A No sir not exactly.
Q Did you see her here during the last payment? A Yes sir.
Q Do you know where she came from then? A I dont know exactly where she came from that time.

(Smith)

Q Where did you first know this woman Phillis Hayes in Kansas? A Iola.
Q Did she live in Iola before she lived in Humbolt? A I knew her first in Iola.

Q When did you first meet her in Point, in the [illegible]
Q Don't have her in Point? A I might have known her before that.
Q It was somewhere around 1928 or 29, that you first saw her? A The [illegible]
Q [illegible] A Yes sir.

Q Day's work? A Yes sir.
Q Have you ever been convicted of any offense involving a man [illegible]? A Yes.
Q When did they do with you? A Sent me to the pen.
Q For how long? A Seven years.
Q Where was A Leavenworth.
Q Anything about A Fraudulent.
Q Convicted of selling whiskey? A I was convicted but I wasn't guilty.
Q You I said guilty to it didn't you? A Yes sir.

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This will also be filed in Cascade Superior Court, [illegible]

S-1008 and D-[illegible].

Chas. van Eaton, being duly sworn and upon oath, [illegible] to the [illegible] the proceedings in the [illegible] [illegible] of his [illegible]

Charles van Eaton

Subscribed and sworn to before me this [illegible] day of [illegible]

[illegible]

File with Phillis Hayes, C. F. D. 902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 18, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Bettie Cash et al., C. F. D. 825.

Appearances:
James S. Davenport for the Cherokee Nation.
Joseph Sequichie agent for the applicants.

THOMAS LAHAY being first duly sworn by Commissioner T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)
Q What is your name? A Thomas Lahay.
Q Where do you live? A Fort Scott, Kansas.
Q How long have you lived there? A Ever since '82, I have resided continuously there. I have been in the country there for 30 years.
Q Are you in business in Fort Scott? A Yes sir, I have been in different kinds of business.
Q Since you have been residing in Fort Scott, have you become acquainted with a colored woman by the name of Bettie Cash? A Yes sir, knew her well.
Q Where was she living when you first got acquainted with her? A I dont know exactly what house she lived in, she lived in the bottom there near the mill.
Q When did you first get acquainted with her? A In '85.
Q She was then living at Fort Scott or in the bottoms near here?
A Yes sir.
Q After that time did you see anything of her? A Yes sir, I had a good deal of dealings with her about three or four years ago.
Q What kind of dealings did you have with her? A They bought a house and moved it on a lot and then they never paid any taxes for it and I bought it in and got a tax deed after three years; I first paid the taxes in '88 and got a deed in '91.
Q Where was she living during that time? A On that place..
Q After that, what dealings did you have with her? A She rented from me after that for a dollar a month.
Q For how long? A I never charged her anything from two years and she staid there, but I had to get possession of the place or lose what interest I had in it and so then I made a rent contract with her and Cal, her husband for a dollar a month.
Q What was her husband's name? A Cal Cash.
Q How long did you rent that place to her and her husband? A I think it was in '93 that I commenced to charge, and they paid it up to about 3 or 4 years ago when they left, that is I got as much out of them as I could during that time.
Q Do you remember any circumstance of their leaving, or with reference to her going away for any time? A Yes sir she was gone a while, she came here to the Nation and recovered some money, I know I tried to sell her the place after she came back with the money but she didn't seem disposed to buy it, it was not worth much anyway.
Q Did you rent that place to her any after she came here and got that money? A Yes sir.
Q For how long? A About a year.
Q After that what became of her? A She quit her man, she left Cal and she went traveling around doing Missionary business as she called it. I had some dealing with her then and she wrote me a letter from up north somewhere.
Q What kind of business did you have with her then? A She was owing me some.
Q What kind of business did you say she was engaged in when she was traveling around? A She called it Missionary business, collecting money for churches, to build churches, she followed that for several years.

Q Do you know where she is living now? A I do not know.
(By Mr. Sequichie)
Q What is your name? A Thomas Lahey.
Q What is your business? A I have been in different kinds of business I have been principally in the loaning business.
Q Ever loan Mrs. Cash anything? A Yes sir.
Q What was it? A I kept a pawn shop and make loans in large amounts and small amounts.
Q How long have you been loaning here? A I have had more or less dealings with her when she left there.
Q When did she leave? A I dont exactly remember, three or four years ago.
Q You dont remember exactly? A No sir.
Q You say she lived at Fort Scott in the bottoms? A Yes sir in the city
Q Who transacted for the property? A Her and Cal.
Q Cal who? A Not sure.
Q Did she own that property? A Well she didn't have a clear title to it.
Q You say she didn't have a clear title to it? A She had a mortgage on it, and —
Q Then she didn't own it ? A Well she held possession of it and had it mortgaged.
Q Did she ever have a clear title to that property? A No sir.
Q How long did she live in that house that wasn't really hers? A She had an equity in it but there was a mortgage on it.
Q How long did she live there? A They moved that house there in '87 that was that last house, the one I got a tax title to, they were renters before that.
Q For how long before that? A 3 or 4 years.
Q What were they doing there? A Cal was working at the Mill and she took in washing.
Q Was it in 87 that you made that loan to them and had to take the property ? A No sir I never said I made a loan to them on the property, I got the property for taxes.
Q How much did you loan them on that property? A I never loaned them anything on it, they failed to pay the taxes and it was put up by the County Treasurer and I bought it in and afterwards got a tax title to it.
Q How long did they live in that house? A From '87 until 3 years ago.
Q Was she living there every day? A No sir.
Q Every week? A I cant say as to every week.
Q Every month? A They was there there when I went after the rent.
Q Did you go after the rent every month? A Not every month.
Q And was not there continually when? A I know she came here once and got some money.
Q Did you have any conversation with her about her citizenship here? A I dont since that I did.
Q How long did she stay here that time was come after the money? A Two or three weeks.
Q How long since you saw her the last time? A 3 or 4 years.
Q Where was she living when you last saw her? A Fort Scott.
Q Was she keeping house and taking in washing when she left there? A No sir.
Q What was she doing then? A [illegible] work.
Q What was she doing, building [illegible] work? A I dont know.
Q Did she ever build a church in Fort Scott? A No sir, I dont think she even belonged to a church there.
Q Did she ever tell you what kind of [illegible] work she was doing?

A No s r I dont think she told me exactly.
Q Did she say that she had any personal interests in the Cherokee Nation? A She claimed that she got money here.
Q Isn't it a fact that you dont know from your own personal knowledge that she lived there from the time you know her to this day? A That was her residence from '87 until she left, that one house.
Q Do you know of your own personal knowledge that she lived there continuously from the first time you saw her in Fort Scott until she left? A I saw her frequently and I know she was not gone any length of time.
(By Davenport)
Q Have you the lease that was signed up by her and her husband for that property? A Yes sir. (Hands attorney the lease)
(By Sequichie)
Q You said a while ago that the property was not worth much? ANot very much.
Q Well you made loans on it? A I never made any loans on it.
Q Thought you said you got it from them by reason of a loan? A No sir I said I got it as a tax sale.
Q What did she ever pay to you that? A I dont know exactly, yes, when she got her money she came back and went to great extravagance and bought one of things they call a spirit waist and paid twelve dollars for it, and she pawned it to me for $2.00 and I didn't make anything on it for I had to sell it for $2.00.
Q Then she wasn't very extravagant was she if you only got $2.00 for the waist? A She paid $12.00 for it.
Q How do you know she paid $12.00 for it? A That was what she said
Q What she said, do you know that she paid $12.00 for it? A Only from what she said.
Q Don't know it of your own personal knowledge? A Never saw her pay the money for it, but she said she paid $12.00 for it and it was a very fine piece of goods.
Q And you only got $2.00 for it, who much did you make on that transaction? A Never made anything, I lost, I let her have $2.00 on it and sold it for $2.00
Q You were not much of a trader then were you? A Well I never made anything on that.
(By the Commission)
Q When did she leave Fort Scott? A 3 or 4 years ago.
Q She lived there until that time? A Yes sir.
Q Was she gone a good deal running backwards and forwards through the country? A Of late years she did, there was a preacher there, a Bishop, Bishop W. W. Johnson who was getting women to collect money for him to build churches with and he gave the women half what they collected; he had no church and I told Bettie that she had a right to all of it; he was renting from me too.
Q What year was this that she commenced the Missionary business? A I think Bishop Johnson was sent to the pen for some offence a short time after she commenced.
Q What year was it? A About 8 or 9 years ago I think think that she commenced it.
Q And before that she lived there and took in washing? A Yes sir.
(By Davenport)
Q Did she live there after she commenced this Missionary work? A Yes sir.

* The representatives of the Cherokee Nation offer in evidence the original lease between Thomas Lahay and Bettie and Cal Cash for the rent of property in the city of Fort Scot Kansas. *

BY COM'R NEEDLES: The lease will be filed.

WILLIAM SEXTON, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

Q What is your name? A William Saxton.
Q Where do you live? A Fort Scott, Kansas.
Q How long have you lived there? A Since '69.
Q Since you have been living there did you get acquainted with a colored woman by the name of Bettie Cash? A I did.
Q Did you know any of her family? A I knew her husband.
Q What is his name? A Nelson Cash.
Q About how long ago was it that you got acquainted with her, with Bettie Cash? A Some 15 or 16 years ago.
Q How long did they live there to your knowledge? A They remained there until a few years ago.
Q How many years back? A I think they have been gone from here probably as 15 or 16 years.
Q Did they keep house there? A They did.
(By Mr Sequichie)
Q What did you say the husband of Bettie Cash was named? A Nelson.
Q You are positive about that? A Yes sir.
Q How long did he live there? A I got acquainted with them about 15 or 16 years ago.
Q Where were they living when you first got acquainted with them? A When I got acquainted with him he was working in themill there.
Q How many mills did they have there in Fort Scott? A There one flouring mill there now.
Q How many different kinds of mills did they have then? A When he worked at the Goodlander mill that had a custom mill there.
Q How long did he work there at that mill? A I cant say.
Q Were you near neighbors of these people? A I was acquainted with them.
Q How often did you see Mrs. Cash? A Probably once or twice a week
Q How often did you see them ? every once or twice a week? A Probably for 15 years.
Q Was Mrs. Cash living in Parsons continuously from the time you first knew her until she left? A Parsons?
Q I mean Fort Scott? A Yes sir until perhaps 3 or 5 years ago, he left there and I dont know where he went and she remained there a short while after and then she left there.
Q Where did they go? A I dont know where.
Q Did you know anything about this woman, whether she ever claimed to be a Cherokee freedman? A I never knew it until she made the draw down here.
Q What is Mrs. Cash's occupation? A Same as any other laboring woman, washing or working round.
Q Did you know anything about her being a Missionary woman? A I think she claimed to be.
Q You think, do you know? A I know it because the time she came to where I was working and asked for a contribution for churches and said she was making collections.
Q Did you give her anything? A No sir.
Q Did she ask these collections for churches in Fort Smith or elsewhere? A Both there and elsewhere.
Q You dont know that she was gone? A I could hear of her at different places.
Q What year was the first year that you ever saw Mrs. Cash at Fort Scott? A It has been about 15 or 16 years since I got acquainted with her.
Q That was in about 1891 A Probably in about 1890.
(By Davenport)
Q Did you learn of her doing any other business besides washing or Missionary work? A No other business.
Q What was her reputation there as being in any other business there than taking in washing or Missionary business? A No more than by reputation.
Mr Sequichie: I object to that because [illegible] the agent for the applicant calls the attention of the [illegible]

he refers to the husband of Bettie Cash as Nelson, and this is not the person in question.

(By Davenport.)

Q What kind of looking man was Nelson Cash? A Tall dark looking man.

Q Do you know if he ever went by any other name than Nelson, of your own knowledge? A No sir.

Q You know he was the husband of Bettie Cash? A Yes sir.

Q And that Bettie Cash was the woman who solicited contributions for churches? A Yes sir.

Q What portion of the city did they live in? A Buck Run, some calls it, there by the Goodlander mills in the Bottom.

JOHN FORBS called and sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A John Forbs.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived there? A 33 years.

Q Since you have been living there did you get acquainted with a colored family named Cash? A Yes sir.

Q What name did the husband go by? A We always called him Cal.

Q What was the woman's name, if you know? A Bettie.

Q What kind of looking woman was Bettie, if you know? A She was a brown or yellow looking woman.

Q About how long did you know her at Fort Scott? A I knew her for over 15 years.

Q When did you first get acquainted with her? A I think I first got acquainted with her in the Police Court.

Q About what year? A I think in '84 or '5.

Q They didn't have you and Bettie both up in the Police Court did they? A We were both there.

Q Do you know where they were living at that time, what part of Fort Scott? A Yes sir.

Q Where? A They were living in the portion that is now called Tuderlook, down by the Goodlander mill.

Q About how long did they live there after you got acquainted with them? A They lived there from about '84 or '5 up to within about six years ago, 5 or 6.

Q Do you know what business they were engaged in there? A Bettie used to wash there some and Cal used to work in the mill.

Q Did Bettie engage in any other work after that? A Yes sir she told me several times that she had gone into, what she called the Missionary business, I called it begging.

Q How long since you saw Bettie Cash or her husband? A I think it has been a couple of years since I saw Bettie Cash, she was gone for some time and then came back, I met her there in front of a clothing store and she got to talking to me and the proprietor of the clothing house.

Q You have been living there at Fort Scott how long? A 33 years.

Q What business have you been engaged in there? A Mostly in the newspaper business.

Q Editing a newspaper? A City reporter there for different papers and had a paper of my own for some time also.

(By Mr. Scoggins)

Q How far did you live from Mrs. Cash? A I think five or six blocks.

Q How long did you live that close to them? A I have been living that close for ten or twelve years.

Q Was Mrs. Cash at that house continually from the time they moved there? A I don't know that she was continually.

Q Every day, week or month? A [illegible]

Q How often did you see her at that house? A Not very often at the house, I saw her more every day on the street.

Q What is your business, are you a broker too? A No sir.
Q What is it? A I have been doing newspaper work some.
Q How long have you been doing newspaper work? A For 30 years.
Q What is Bettie Cash's husband's name? A Cal.
Q What did he do? A Worked in the Goodlander mill the most of the [illegible]
[illegible] of the country? A Yes sir
Q Do you know how long she would be gone each time? A She wasn't gone over a month or so at a time, once she came to this country and got a lot of money and then she came back.
Q How long did she stay here then? A Couple of months I reckon.
Q How long did she stay there after she came back with her money? A I can't tell myself, except that she said herself she staid long enough to spend most of her money there.
Q Are you personally acquainted with her? A Yes sir.
Q Have any dealings with her? A No sir.
Q When was the last time you saw her? A About six months ago.
Q Does she live [illegible] A I dont know, I think she did. [illegible] Q How long did she stay [illegible] A I dont know.
Q Is her and her husband living together now? A I dont know.
Q Do you know anything about her family, Bettie Cash's family, when she lived there, did she have any children? A Yes sir she had some children.
Q Where were they? A They were there.
Q Do you recollect anything about her being away on this Missionary business? A Yes sir for the last three or four years.
Q Were her children at Fort Scott while she was gone? A I think Cal had some of them and I think some of them were somewheres else.
Q Did you live there when she was off on the Missionary business? A Part of the time he did.
Q Would she come back to Cal when she came back from this business? A I think so; Cal and she had been fighting a good deal and didn't get along well.
Q You dont know if she is separated from him? A No sir.

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This will be filed in Cherokee Freedman cases, D-825; D-903; D-938 and D-1003.

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Chas. von Weiss, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weiss

Subscribed and sworn to before me this the 23 of October, 1901.

T. R. Breckinridge.

Commissioner.

DEPARTMENT OF
COMMISSION TO THE
FILED
JUN 13 1902
ACTING CHAIRMAN

F. D-902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Phillis Hayes for the enrollment of herself as a Cherokee freedman.

SUPPLEMENTAL TO D-902.

APPEARANCES:
W. W. Hastings for Cherokee Nation.
Mellette & Smith for applicant.

MR. HASTINGS: The Cherokee Nation offers in evidence a quit-claim deed on the 20th day of March, 1898, from Josephine Amos and G. A. Amos, her husband, of Humboldt, in the County of Allen and State of Kansas, to Phillis Brady, quit-claiming lot 56 in block 97, in the city of Humboldt, Kansas, to the said Phillis Brady.

MR. SMITH: The applicant objects to the introduction of the above testimony for the reason that it is entirely immaterial to an issue involved in this case as to whether the applicant did or did not have property conveyed to her in Kansas.

MR. HASTINGS: The Cherokee Nation offers it in evidence for the purpose of showing or tending to show that if she owned property up at that place she must have been a resident up there, as is heretofore sworn to by witnesses introduced by the Cherokee Nation.

COMMISSION: This testimony will be also filed with and made a part of the record in the case of Sam Rogers, D-926, who is represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 29th day of May, 1902.

G. R. Rutter
Notary Public.

(Continued)

Bathymetrical Survey of the Great Lakes.

is a

the Lake Forms and Geological Survey of Canada, Ottawa, Ontario.

The undersigned Committee of the Canadian Society of Civil Engineers, Montreal, Quebec, Canada, beg to submit the following report upon the Bathymetrical Survey of the Great Lakes.

The Committee appointed by the Society to consider the matter of a Bathymetrical Survey of the Great Lakes, and to report upon the advisability of the Society taking up the work, or any part thereof, and the best means of carrying it into effect, have the honour to report as follows:

The Committee is of the opinion that the Society should undertake the work, and that it should be carried out as a joint undertaking between the Society and the Government of Canada, the Society undertaking the work of the Great Lakes, and the Government the work of the Canadian Lakes.

The Committee is of the opinion that the work should be carried out by a Hydrographic Department, under the direction of a competent Hydrographer, who should be a member of the Society, and should be given the rank of Chief Hydrographer, with a salary commensurate with the importance of the work, and with the responsibility attached to the position.

The Committee is of the opinion that the work should be carried out by a Hydrographic Department, under the direction of a competent Hydrographer, who should be a member of the Society, and should be given the rank of Chief Hydrographer, with a salary commensurate with the importance of the work, and with the responsibility attached to the position.

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Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

W. [illegible] appears by Mellette & Smith; Cherokee Nation, by [illegible]

[illegible] moves the Commission to make the certified [illegible] in the case of [illegible] vs The Cherokee Nation, [illegible] I D 498, a part of the [illegible] mentioned by reference [illegible] Mariah Hayden, and if it be [illegible] that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible] Hayden, [illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any or the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

No 90 2 —

Phillis Hayes —
Reese Comes for Thomas
applicant for 10 years. When
he first remember she was living
Humboldt Kansas this was
after part of the families in
1880. She continued to live
in Humboldt 6 or 7 years
after ~~she~~ I got organized
with her —

Leonard Martin, knows Phillis
Hayes - when I first remember
applicants, was living in
Cherryvale Kansas —
when I first knew of her
coming to the Nation

Mrs Hayes - was when
she come from Humbolt
Kansas, 1880. she live
some time here and
married to Humbolt
Ford Stewart.
Iola Kansas
Phillis Hayes was living
in Humbolt Kansas
when I first knew
her. This was in 1880 or
-81, and is now living
at Humbolt, Kans

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF
ATTORNEYS FOR CHEROKEE NATION
BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D 902-1003-

Witness.
George. Redmon.
Po. Humbolt. Kansas.

Says. That He is 37-
years of age. That He has resided in
Humbolt since he was six Months of
age That He is Personally acquainted with
~~Ora Phillis Hayes a Colored Woman~~
That He has Knowed her ever since He
Cored first remember That she has
resided Continuously in Humbolt since
That Time except an occaisonal Visit
down to The Cherokee Nation during
or before Payments but has always
lived in Humbolt ever since he Could
remember That He lives in about two
blocks of Her That she owns The Property
Where she resides He Knows her sons Sam
Rogers Louis Hayes and Frank Brady
He also Knows her daughter Bettie
Cash

ATTORNEYS:
W. W HASTINGS.. .. Tahlequah, I. T
J L BAUGH. .. Choutesu, I T

STENOGRAPHER:
J C STARR. .. Vinita, I T

MARSHALS:
JOHN PARKS Vinita I T.
W. B WYLY .. Tahlequah, I T

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number D.....

Vinita, Ind. Ter.,

Case. 902-
Phillis. Hays.
Witness. John E Thorpe
Iola. Kansas.

The Witness Knows Phillis Hays, and her two Sons Lewis and Sam. first became acquainted with ~~them~~ Phillis in Oct or Nov 1867 She was living at Hovey's Mill on the Neosho River near Iola Kansas. She Continued to live at said place three or four years and went away I heard she went to Humbolt Kansas

Cher Fr D 903

Cher Fr D 903

To be filed in the case of Bettie McIntosh, CYD-903.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 7, 1901.

In the matter of the application of Jane Riley for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

Q Whatis your name? A Jane Riley.
Q How old are you? A Well sir, I expect I am about 49 or 50.
Q What is your post-office? A Chelsea.
Q What district do you live in? A Coweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you ant to enrollbesides yourself? A None bmymself, I have got children, but they are all of age.
Q Is your name on the 1880 roll? A I don't know sir.
Q What other names did you go by? A McNair, or Riley, or Wofford.
Q You know whether your name is on the 1880 roll or not d.n't you? A No sir, I don,t.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified nowhere thereon.

Q What was your master's name? A Alex Wofford.
Q Is your name on the Kerns-Clifton roll? A Yes sir, I guess it is.
Q On the Wallace roll? A Yes sir, I guess so.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined andapplicant identified the reon as follows: page 122, #5041 Jane McNair, Coweescoowee District; Wallace rollof citizens of the Cherokee Nation examined and applic ant identified on page 175 #3252 Jennie McNair, Coweescoowee District.

Examined by Attorney Smith:

Q Who was your master, you say? A Alex Wofford.
Q Was he a Cherokee Indian? A Yes sir.
Q Where did he live before the war? A Lived in Goingsnake District.
Q Were you born a slave? A Yes sir, I was.
Q Were you taken out or did you go out of the Cherokee Nation, during the war? A Yes sir, I went out.
Q When did you come back first after the war? A Just as near as I can get at it it has been 34 years; of course I can't get the figures on it.
Q Who did you come back with? A I come back with Kael Landrum and Mary Ellen Landrum, his wife.
Q You know what year it was in? A No sir.
Q You know how long after the war it was? A No sir, I guess it was a year or so after the war, close to it.
Q You don't know how long it has been? A No sir, not exactly, only to count the years, for it has been about 34 years, maybe little over, something near 35 years.
Q Where do you live now? A I live northof Chelsea here five miles.
Q Moses Riley your husband? A Yes sir.
Q When did you and Moses get married? A Oh it has been 28 years ago I guess, I don't know just what year, it has been all of 28 years.
Q Who did you come back with to the Nation? A Jack Landrum and Mary Ellen Landrum.

Q You didn't come back with Mose?A No sir, wasn't married to Mose then.
Q How long after you came back was it before you and Mose married, as well as you remember?A I don't know sir, it has been 28 years ago since we married, 28 years this coming January.
Q How long have you lived in the Cherokee Nation? A I have lived here ever since I come back from Kansas.
Q Ever since you came back, have you been to Kansas more than once? A No sir.
Q Ever since you came back the time you said you come back with Landrum? A Yes sir, ever since I come with them I have been here ever since.

Examined by Cherokee Rep've Hastings:
Q You think you have been here as much as 34 years do you? A Yes sir.
Q What town did you go to in Kansas? A Leroy,
Q Is that the town you left when you started downhere? A Yes sir.
Q What did you do up there at Leroy, Kansas? A Oh didn't do anything; well of course we worked.
Q Who did you live with up there? A I lived with Jack Landrum and his folks most of the time.
Q Well, you got married up there? A Didn't marry, I was living with a man.
Q You took up with a man up there did you? A Yes sir.
Q You had a child up there? A Yes sir.
Q What was that child's name? A Bettie.
Q Bettie born in Kansas? A Yes sir.
Q What was Bettie's father's name? A Ben Landrum.
Q Was Ben in the war? A No sir, not as I know of.
Q When did you get acquainted with Ben? A Just during the time we was in Kansas.
Q Are you any kin to Jack Landrum or his wife? A Yes sir; his wife is a relation to me.
Q What kin is she? A She was some relation to my mother; we all lived with the same people, Whitmires and Daniels.
Q How far did Alex Wofford live from Whitmires? A I don't know sir, I couldn't tell you.
Q About how far? A I can't come no ways near, I wasn't old enough to know, and didn't go around no place before the war.
Q What kind of family did Alex Wofford have? A His wife was a granddaughter of John Downing.
Q What was his wife's name? A Mandy Smith I think.
Q What children did they have? A George, Eli, Than, Martha, Mary.
Q You didn't go south with them? A No sir.
Q You went north? A Yes sir.
Q Did you ever see George or Than since the war? A I saw Than time of the Lightning Creek Payment, first time I ever saw him since I left there.
Q Did you live with the father of Bettie? A Yes sir.
Q As his wife? A Yes sir.
Q How long did you live with him?A Four or five years.
Q Did he come down here with you? A Yes sir.
Q What become of him?A Dead.
Q Where did he die? A He died up here on this Russell Creek, close to Russell Creek.
Q Did you live up there on this trip near Russell Creek, first after you came back there? A No sir, I didn't live there, he was working up there , he died.
Q How long was that after you came back? A I don't know, it was about just before that railroad came through there.
Q How long had you been back there? A Three years I guess.
Q That was the M. K. & T. Railroad that ran through Oklahoma and Kansas?A Yes sir.

Q Did you come back in Jack Landrum's wagon? A Yes sir, I come right with Jack Landrum.
Q Where did you live after you came down here? A I stayed with them about two or three years, and then I married this man I live with now, Mose Riley.
Q And you have lived with him ever since?A Yes sir.
Q You lived then with Jack Landrum two or three years after you came down here? A Yes sir.
Q Then you married Mose Riley? A Yes sir.
Q You stated I be lieve that you have been married to Mose Riley about 28 years?A Yes sir, I think it will be 28 years this coming January, or maybe already 28, it is one of them two.
Q Your best judgment is you have been here 34 years? A Yes sir.
Q What time of the year did you come? A It must have been about the last of August, along in September, it was getting towards the last of summer I think, along about the first of the fall.
Q Where were you when you married this man? A I was at Chetopa, Kansas.
Q How long had you been at Chetopa?A Oh I was just working up there.
Q Was the railroad running through there then? A Let me see, no sir, I don't think the road had got, yes sir, it was, the railroad had done come through when we married.
Q Was your first husband then dead?A Yes sir. He has been dead 31 years now.
Q Howlong did you live with Jack in here before you went to Chetopa? A About two or three years, two years anyhow.
Q Then you went to Chetopa? A Yes sir.
Q How long had you been working up there? A Oh I would just go up there and work maybe a month or such a matter.
Q What kind of a house did Jackson have when he moved down here? A Never had no kind until he built one.
Q Did he build one where he is living now? A Yes sir, not where it is now, it was further down in the timber.
Q Did you try to get on the roll of 1880? A It is just like this, Mr. Hastings- but whether they took my name or not of course I gave it as Jane Wofford, but I don't know whether they put it on the roll or not.
Q Where were you living then? A Right where I am living now, Coo-weescoowee District, five miles north of Chelsea.

Examined by Attorney Smith;
Q In speaking of the time that you lived at this place, that place, did you undertake to fix this statement exactly or to estimate, or what is your statement on that? A Estimate them, how do you mean?
Q Well, for instance, you were asked how long you lived at Jack Landrum's after you came back here before you went to Chetopa, what was your answer to that question? A About two or three years.

JOHN LANDRUM, being sworn by Com'r Needles, testified as follows; Examined by Attorney Smith;
Q State your name? A John Landrum.
Q Where do you live? A On Lightning Creek.
Q What is your post-office? A Hayden.
Q How long have you livedin the Cherokee nation? A I have been raised here all my life.
Q Do you know this applicant here, Jane Riley? A Yes sir.
Q How long have you known her? A About thirty years, Breaking out of the war I got acquainted with her.
Q You know how long it has been since the war?A Well not exactly, it is somewhere I guess about forty, somewhere, I couldn't tell you just how long it has been.
Q Do you know anything about it at all, about how long it has been since the war? A No, I couldn't tell you and tell you the truth about it.

Jane Riley 4

Q Where did you first get acquainted wth this woman?A. On Wolf Creek over here, come there with th4 soldiers; we was all there.
Q Who now? A Oh the soldiers, Union soldiers, that's where I first seen her to know her.
Q Where did you first see her after the war? A Up in Kansas, Ft. Scott.
Q You know when she come back to the Cherokee nation? A Yes sir.
Q When was it? A It was in '66, I brought her here with me.
Q Who else did you bring with you? A My wife, Mary.
Q Where did you bring her to? A Brought her here to Lightning Creek.
Q Did Jane live with you after you brou ght her here? A Yes sir.
Q How long?A About two years.
Q You know where she went to from your house? A No sir, I could n't tell you.
Q You know exactly how long she stayed with you? A Yes sir, two years, about.

Examined by W.W.Hastings;
Q Where did she go from your place? A I couldn't tell you.
Q You heard of her up in Kansas? A No I don't believe I did.
Q Are you certain about that? A Yes sir.
Q Don't you know she went to Chetopa? A She may have went there, but I did hear of her being on Grand river, in place of Chetopa.
Q Since you come to think? A Yes sir, but then I am telling you the truth, I don't know as I remember.
Q I want to know how how many people come back with you and this woman? A My wife and my sister Charity, she is dead, and two girls, I had my children, Martha and Polly.
Q Who else? A That's all.
Q Are you willing to swear that? A Yes sir, I will swear that and die with it.
Q You are positive that's all that come with you? A Yes sir, at that time.
Q You know that? A Yes sir, that's all that come withus.
Q That was your wife and Charity and this woman and your two children?A Yes sir.
Q That's all that come with you? A That's all that come with us from Kansas; now if you please, let me tell you, her husband Ben o vertook us there at Osage Mission, and we come together from Osage Mission to Chetopa.
Q Had she been with you beyond Osage Mission? A Yes sir, she come with me from Neosho Falls here, plumb from Neosho Falls here.
Q You are certain it was Neosho Falls? A Yes sir, I know it, that was in Kansas.
Q This woman have any children?A She had two, yes.
Q What were their names? A Charley,- no she didn't have but one, a little girl.
Q What wasits name? A Becky.
Q How old was Becky when you come down? A She was a small baby like, just could walk about.
Q You remember that now? A Yes sir.
Q You didn't remember awhile ago that the baby was along with you? A Yes sir, I knowed it, but I wasn't to tell it until you asked me.
Q I asked you to tell all the people that come with you and you didn't name that? A I named my children.
Q I told you to name all the people,that come with you? A Well, that was one of them.
Q She had onechild just big enough to walk about?A Yes sir, small child.
Q Year or two old? A Couldn't have been more than a year and a half, little older.
Q She was walking about? A Yes sir.
Q Whatbecame of Ben, her husband? A I couldn't tell you, they

was busted up, that's how come her to come with me, she was getting away from him.
Q How far were you from Hayden post-office? A About two miles.
Q And she stayed there all that time? A Yes sir.
Q When did younext see her after she left your place? A On Grand River.
Q How long after that? A Between three and four years.
Q Was she married then? A No sir.

MARY LANDRUM, being sworn by Commissioner Needles, testified as follows; EXAMINED BY ATTORNEY SMITH:
Q State your name? A Mary L andrum.
Q How old are you? A I couldn't exactly tell you.
Q About? A Somewhere in 50 I couldn't tell you exactly how old.
Q Are you the wife of John Landrum? A Yes sir.
Q Where do you live? A On Lightning Creek.
Q Do you know Jane Riley? A Yes sir.
Q How long have you known Jane Riley? A Ever since I was a child, I am older than her, but we lived close.
Q Did you know her before the war? A Yes sir.
Q Was shea slave? A Yes sir.
Q Who did she belong to? A Alex Wofford(s wife, Mandy Wofford.
Q Was she a Cherokee Indian? A Yes sir.
Q Lived in the Chero ee Nation? A Yes sir.
Q Where was she, this girl Jane, living when the war commenced?
A With Mandy Wofford and Alex Wofford.
Q In the Cherokee Nation? A Yes sir.
Q Do you know whether she went out of the Cherokee Nation or not?
A Yes sir.
Q Do you know when she came back to the Cherokee Nation? A Yes sir
Q When was it? A She came back in the fall of '66 with me and my husband.
Q You know where she has beenliving all that time? A She lived withme, maybe three years, at the turn of three, I don't know exactly, she stayed with me something over two years after we come here on Lightning Creek.
Q Where is she living now? A She lives on Panther Creek.
Q How long have you known of her on Panther Creek? A I don't know just how long she has been the e, a good while, I couldn't exactly tell you, she has been living there a long time; she has got grown children she raised there since she lived on Panther Creek.
Q State how long she remained with you after you brought her back here, you don't know exactly, A Well it was two years and it may have been something over two, I didn't keep no particular count of it
Q What was it you said about the turn of three? A I said it may have been pretty near three.
Q What did you mean by the turn of three? A I meant it was going on three years, that's what I mean, I can't talk no dictionary.

Examined by W.W.Hastings:
Q Where did you live before the war? A In Goingsnake District.
Q Were you and John Landrum married there? A No sir.
Q How far do you live from here? A I live right up here.
Q What kin are you to her? A She is a cousin of mine, me and her mother belonged to one man, and my mater give her to this cousin of his, this child after she got up to be near so high(indicating) she growed up to be pretty near grown when she went to Kansas; she was nearly grown when she went up there.
Q Who all came back with you? A Me and her and my husband and her child and my three children.
Q Came from thence here, is that all? A That's all.
Q Did she have a husband then? A No sir.
Q Did she have a child? A Yes sir.

C72903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
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ACTING CHAIRMAN.

Jane Riley 6

Q How old was that child? A It was a baby, I don't know exactly, how old it was.
Q Was it walking about? A Yes sir.

Applicant, JANE RILEY, re-called and further examined;
By W.W.Hastings;
Q How old is your oldest child, Becky, now? A Well sir, I think she is 34 or 35 years old the 2nd day of this April past.
Q Either 34 or 35? A Yes sir.

Com'r Needles; Jane Riley applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kerns-Clifton roll as Jane McNair, and upon the Wallace roll as Jennie McNair; she avers that she is the wife of Moses Riley, and makes satisfactory proof as to her residence; said Jane Riley will be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the further consideration of the Commission; she will be notified bymail of the decision of the Commission when arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 12, 1901.

(signed)T.B.Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the foregoing is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this August 27th, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 27, 1901.

In the matter of the application of Bettie McIntosh for the enrollment herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Bettie McIntosh.
Q How old are you? A 38.
Q What is your post-office address? A Muskogee.
Q What district do you live in? A Coweseswowe.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir, descended out of a Cherokee freedman.
Q Who do you want to enroll besides yourself? A Just myself.
Q What is your father's name? A His name was Ben Landrum, I guess; he died.
Q Your mother's name? A Jane McNair.
Q Is your name on the roll of 1880? A No sir.
Q Is your name on any of the rolls of the Cherokee nation? A Yes sir, Wallace and Clifton.

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant identified on page 103 #3048 Betty McNair, Coweseswowe District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 175 #3287 Bettie McIntosh, Coweseswowe District.

Q You claim your citizenship through your mother, Jane McNair?
A Yes sir.
Q Has she applied for enrollment here yet? A Yes sir.
Q Where were you born? A I don't know, sir.
Q Where have you been living all your life? A In the Cherokee Nation and Creek Nation since I married.
Q What is your husband's name? A Wiley McIntosh.
Q Is he living? A Yes sir.
Q Is he a Cherokee citizen? A No sir.
Q What is he? A Creek.
Q Have you ever applied to be enrolled as a Creek? A No sir.
Q Have you any children? A No sir; just myself.
BY MR. DAVENPORT, Cherokee Representative:
Q Where were you living when you first recollect? A In the Cherokee Nation, on Grand River.
Q Near what point? A I don't know.
Q How long did you live there after you remembered that you was living on Grand River? A I don't know that.
Q When did you leave there? A I don't know that.
Q Where did you go to when you left? A I couldn't tell you.
Q Where were you living when you first knew the fact that you was living somewhere within of the Cherokee Nation? A Big Creek.
Q When you left Grand River where do you next remember? A On Big Creek.
Q How long did you stay on Big Creek? A I don't know that.
Q When you moved from Big Creek where did you go? A We moved on [illegible]
Q When you moved from Dyson's Creek where did you go? A On Cedar Creek.
Q How long did you stay when you left there? A On Feather Creek.
Q When you left Feather Creek where did you go? A I went to Chouteau.
Q [illegible] A We're living in [illegible]
Q [illegible] in Chouteau when you [illegible]
Q [illegible]

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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ACTING CHAIRMAN

being slaves? A No sir, I don't know anything about it.
Q You married in the Cherokee Nation? A Yes sir.

Com'r Kendall: Bettie McIntosh applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; but is duly identified upon the McClifton and the Wallace rolls; she avers that she is a child of Jane McNair, or Jane Riley, and Jane Riley is listed for enrollment upon D 600, as a Cherokee Freedman, and the testimony taken in the matter of the enrollment of Jane McNair or Jane Riley will be made a part of the records in the case at bar, and a copy thereof filed herewith; the applicant avers that she is married to one Wiley McIntosh, a Creek Citizen, and she has lived in the Creek Nation since 1884; previous to that time she lived in the Cherokee Nation, where she was born; said Bettie McIntosh will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting the further consideration of the Commission.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 10, 1901.

Commissioner.

To be Filed with F. D. 903

F. D. 600.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 29, 1902.

In the matter of the application of Jane Riley for enrollment as a Cherokee Freedman:

SUPPLEMENTAL TO D-600.

Applicants represented by Melette & Smith.
Cherokee Nation represented by J. S. Davenport.

C. W. LEARNED, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A C. W. Learned.
Q Where do you live? A Neosho Falls.
Q What is your age? A 46.
Q How long have you lived at Neosho Falls, Kansas Mr, Learned?
A Ever since '87.
Q After you went to Neosho Falls, Kansas, did you get acquainted with a family of colored people by the name of Landrum? A Yes, sir.
Q How long after you went to Neosho Falls did you learn to know them, Mr. Learned? A Why about '68.
Q What were the names of the Landrums that you knew there, the older ones, Mr. Learned? A Jack and Jim.
Q Did they have a family there?? A Yes sir.
Q Where did they live with reference to wher you lived, Mr. Learned? A Lived on my father's farm.
Q On your father's place; do you remember the names of any of their family, of the children? A Why some of them I remember Ed Landrum that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Bell, and one named, boy, named John, and some more of them.
Q How long did either Jim or Jack Landrum, or either of them, continue to live on your father's place there near Neosho Falls to your knowledge? A Well Jim Landrum Lived there from '68 to the time he left there. Well he didn't live there all the time on the place, he left after he had lived there about eighteen years; he left and come down here, but Jack Landrum, he lived there in '68.
Q Did Jack Landrum have a family? A Yes, sir.
Q And Jim Landrum lived there until about when? A I think he come to town about '84 or '85, and then come down here.
Q What makes you remember that Jack Landrum lived there until about '68? A Why a fellow named Hanks had come out from Illinois to our place, and we went to fishing, and we concluded we would rather go where the darkies were holding a meeting, and he got in trouble with them and into a fight with Jim, or that is he wanted to, and he made a disturbance, and so then he come back, and we went over to town, and he got in trouble there in town, and they arrested him and he had a trial.
Q Well now do you remember who were the witnesses in that case?
A Tom Daniels was one.
Q Well do you remember any one else, whether any one else was a witness or not. Did you ever know a Ben Landrum up there? A No, sir, I never knowed a Ben Landrum.

Q Do you know where either of the Landrum families moved to when they left your father's place or that neighborhood? A Why, yes, sir, Jim Landrum moved to town.
Q Well where did Jack Landrum go? A Jack he pulled out, I don't know where he went. I suppose he come back down here.
Q Now from the time you went to Neosho Falls—that was in what year? A We went to Neosho Falls?
Q Yes sir. A Came there in '57.
Q Well, now when did Jack and Jim Landrum move on your father's place with reference to the close of the war, whether it was before or after? A Well this was after the war, '68 was the first I recollect of them.
Q Well now then they lived on your father's farm until about then?
A Yes, sir, on there in '68.
Q Jack or Jim moved away first? A Jack moved away first.
Q When do you think now he left the farm? A Well I don't know as I could just say when he left. but he didn't stay there very long after that.
Q And Jim stayed there several years? A Yes sir.
Q How many children had Jim when he came on your father's farm?
A Didn't have any just married.
Q Did you know what his oldest child's name was? A Yes sir.
Q What is it? A Called her Alice.
Q What was the next one? A Ed.
Q Was Jim Landrum's family there when you say Ed was born? A Living on our place.
Q There near Neosho Falls? A Yes, sir, in two miles of the falls, on my father's farm.
Q Well, since the birth of Ed have you ever seen him any since that time? A Yes, sir, he stayed there x on the place till he grew up to be quite a chunk of a boy, and then he struck out and went to Wichita and that's the first place I know when he left.
Q How long since you seen Ed? A Oh, it's been quite awhile. He was back there once, but I didn't get to see him.
Q About how old would he be now Mr. Learned? A Well, he must be in the neighborhood of thirty years, I think, somewheres along there.
Q How many children did Jim Landrum, about how many do you think that was born while he was living on your father's place? A Eight or ten.

MR. MELLETTE: When did you say your people first moved up there? A '57.
Q You remember that do you? A I remember when I first moved there, yes, sir.
Q You was a year old at that time, wasn't you? A '57.
Q Now you have said you remember when they moved there, and they moved there in '57; now you have said that your people moved there in '57, and that you remember it, didn't you? A Well, I don't know as I [illegible] remember.
Q Well you swore it just now, that you remembered, and it's down there, and you're forty-six years old, and yet can remember when you was a year old, when you swear that you remember when your people moved there, don't you? A '57.
Q Huh? A '57. Well I knowed them in '59.
Q Well you swear you remember? A But I don't know as I remember.
Q Why didn't you swear just now that you remember when your people moved there, didn't you? A I don't know as I did.

Q Didn't you just swear—I ask you in the presence of all these witnesses—swear that you remembered when your people moved there in '57, now answer whether you said that or not? A I don't think I did.

Q You swear that x do you; read the record.

(Record read).

Q Now don't you think that's rather wild swearing?

Mr. DAVENPORT: I object to that question.

MR. MELLETTE: Don't you think that's rather wild swearing?

COMMISSION: Answer the question, Mr. Learned.

A Swearing that I knew when I moved there in '57?

MR. MELLETTE: Yes, sir, A No, I don't recollect when I moved there in '57.

Q What made you swear it then? A Don't know as I understood the question.

Q Well I asked the question straight out; how old were you in '68? A About 11.

Q About eleven years old, and you remember the dates this length of time and exactly when these people left there, and every thing of that sort, do you? A I remember because of the incident I told.

Q What incident? A The man getting in trouble and being arrested.

Q Can you remember the witnesses that appeared that length of time ago when you were only eleven years old? A Well Tom Daniels was a brother of Jim's, that's the reason I remember that.

Q You were eleven years old at that time wasn't you? A Yes, sir.

Q And you remember all about that? A Well, I don't remember all about it.

Q Were you at the trial? A No, sir.

Q How do you know who were the witnesses then? A Jim told me.

Q You.re testifying to what people told you, are you? A I wasn't at the trial.

Q You don't know who were the witnesses, do you? A Jim said—

Q But I am not talking about what people said, but what you know about it? A I wasn't at the trial myself.

Q You don't know who were the witnesses? A Only what they said.

Q Do you remember when Jack Landrum left that country? A No, sir. I do not.

Q Didn't you say awhile ago that he left there in '68? A No, I said he might have been away in '68, but I knew him there, '68, he was on our place in '68. Jack Landrum was there in '68.

Q Don't you know that he is on the 1880 roll as a freedman citizen of the Cherokee Nation? A Well, I don't—

MR. DAVENPORT: I object to that because that's not evidence of where he was.

MR. MELLETTE: I would like to have the roll examined. I would like this testimony to show that John Landrum is on the 1880 roll, because—

MR. DAVENPORT: That's no evidence where he was in '68.

COMMISSION: 1880 roll page 121, No. 1681, John Landrum, Cooweescoowee District, Adopted Colored.

MR. MELLETTE: Now there isn't any possibility of your forgetting the date exactly, being as you was only 11 years old at that time, was there? A I might have if it hadn't been for that trial.

Q You wasn't at the trial? A Well, I might have been talking about it.

Q What makes that trial impress upon you the fact? A Why that made me think when we was out there at the meeting.

Q What meeting? A Dark meeting.
Q When was that meeting? A That must have been along in about May, I guess.
Q Well do you remember every body that you saw up there when you was 11 years old? A No, sir.
Q Huh? A Don't know , sir, as I remember, if they hadn't been living on our place.
Q Who lived on your place? A Jack Landrum and Jim.
Q Jack Landrum and Jim; where were they in '66? A Couldn't tell you.
Q Don't know where Jack Landrum or where Jim Landrum was in '66? A No, sir.
Q '67 where were they? A I couldn't tell you.
Q Don't know whether they were there or not, do you? A No, sir,

MR. DAVENPORT: You know that after that they lived on your father's place? A Yes sir.
Q And you know that Jim Landrum's children were born while they were living on the place? A Yes sir.

COMMISSION: The following is offered in evidence by the representatives of the Cherokee Nation:

"State of Kansas)
Woodson County.)SS.

I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. Booth Hanks was continued from the Octob Term, 1868, to the April term 1869, of the District Court of Woodson County, Kansas. I further certify that Thomas Daniels and Ben Landrum were witnesses in said case as the same appears on record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1902.

(Seal) A. C. Woodruff, Clerk."

MR. MELLETTE: Did you ever see that certificate? A No, sir I haven't seen it.
Q Did you ever look at the record to find out who were witnesses in that case? A I never looked at it myself.
Q Who did look at it? A A man by the name of Keys.
Q Mr. Keys who was up there helping the Cherokee Nation find out who were witnesses in that case you speak of and then told you, didn't he? A I told him where he could find it; to go to Center, the county-seat, and he could find the record.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-601, D-603, D-903, D-664, D-698, D-700, D-701, D-702, D-1112, and in D-600, the case at bar.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

Philip G. Reuter,
Notary Public.

I, Margaret Crutsinger, being first duly sworn state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing and that the same is a true and correct copy of the original transcript.

Margaret Crutsinger

Subscribed and sworn to before me this 8th day of May, 1902.

Notary Public.

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